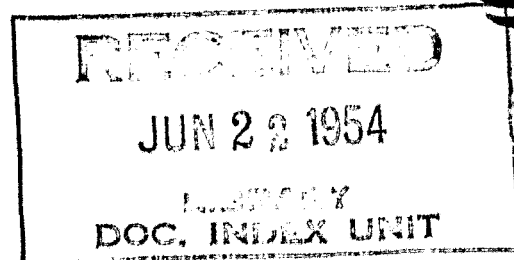


(Prefatory fascicule)

UNITED NATIONS



**OFFICIAL RECORDS OF THE GENERAL ASSEMBLY
EIGHTH SESSION**

ANNEXES

15 SEPTEMBER — 9 DECEMBER

1953

HEADQUARTERS, NEW YORK

(794 p.)

NOTE

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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5	Constitution of the Main Committees and election of officers
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18	The Korean question : (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea (b) Report of the United Nations Agent General for Korean Reconstruction
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21	The question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Union of South Africa : report of the Commission appointed to study the racial situation in the Union of South Africa
22	Admission of new Members : report of the Special Committee on Admission of New Members
23	Regulation, limitation and balanced reduction of all armed forces and all armaments : report of the Disarmament Commission
24	Question of impartial investigation of charges of use by United Nations forces of bacterial warfare
25	Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China : report of the Government of the Union of Burma
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(b) Information on other conditions
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| 33 | Factors which should 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 : report of the <i>Ad Hoc</i> Committee on Factors (Non-Self-Governing Territories) |
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- 44 Report of the Negotiating Committee for Extra-Budgetary Funds
- 45 Administrative and budgetary co-ordination between the United Nations and the specialized agencies : reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions
- 46 Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account
- 47 United Nations Joint Staff Pension Fund :
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- 48 Organization of the Secretariat : reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions
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- 50 Staff Regulations of the United Nations. Question of a probationary period : reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions
- 51 Personnel policy : reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions
- 52 Question of a change in the opening date of regular sessions of the General Assembly : report of the Secretary-General
- 53 Report of the International Law Commission on the work of its fifth session
- 54 Measures to limit the duration of regular sessions of the General Assembly : report of the Special Committee
- 55 Question of the continuation of the functions of the United Nations Tribunal in Libya
- 56 The Tunisian question
- 57 The question of Morocco
- 58 Publication of documents concerning the drafting and application of the Charter
- 59 Election of a member of the International Court of Justice to fill the vacancy caused by the resignation of Judge Sergei Aleksandrovich Golunsky
- 60 Question of assistance to Libya
- 61 Technical assistance in public administration
- 62 Technical assistance in promoting and safeguarding the rights of women
- 63 Technical assistance in the fields of prevention of discrimination and protection of minorities
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67	Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention
68	Narcotic drugs : (a) Assumption by organs of the United Nations of functions and responsibilities assigned to them under the terms of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953, and of the financial burdens resulting therefrom (b) Question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body
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70	Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter
71	Measures for the peaceful solution of the problem of prisoners of war
72	Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States
73	Measures to avert the threat of a new world war and to reduce tension in international relations
74	Question of atrocities committed by the North Korean and Chinese Communist forces against United Nations prisoners of war in Korea
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76	Application of San Marino to become a party to the Statute of the International Court of Justice

Question of the representation of China

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- Agenda item 1 : Opening of the session by the Chairman of the delegation of Canada**
Agenda item 2 : Minute of silent prayer or meditation
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[No documents]

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HEADQUARTERS, NEW YORK, 1953

Agenda item 3. Appointment of a Credentials Committee

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<i>Document No.</i>	<i>Title</i>	<i>Page</i>
A/2490	First report of the Credentials Committee	1
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DOCUMENT A/2490

First report of the Credentials Committee

[Original text : English]
[24 September 1953]

1. At its 432nd plenary meeting, held at United Nations Headquarters on 15 September 1953, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee consisting of the following Member States : Cuba, Iceland, Indonesia, New Zealand, Peru, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

2. The Committee met at United Nations Headquarters on 22 September 1953. Representatives of the following Member States on the Committee participated in the meeting : Cuba, Iceland, Indonesia, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

3. Mr. Leslie K. Munro of New Zealand was unanimously elected Chairman of the Committee.

4. The Committee examined communications transmitted by Member States.

5. The Committee found that the Governments of the Member States listed in paragraph 1 of the memorandum by the Secretary-General (A/CR/8), with the addition of Belgium, Ecuador, Iceland, Israel and Poland, whose credentials had reached the Secretary-General at a later date, had submitted to the Secretary-General credentials for their representatives satisfying the requirements of rule 27 of the rules of procedure of the General Assembly. Those States were as follows : Australia, Belgium, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark,

Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Indonesia, Iran, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Poland, Sweden, Syria, 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, Venezuela, Yugoslavia.

6. The Committee further decided to meet at a convenient time to examine the formal credentials, when they had been submitted to the Secretary-General, of Member States which had hitherto transmitted only cablegrams or letters from their permanent missions or delegations. Those States were : Afghanistan, Argentina, Bolivia, Colombia, Honduras, Lebanon, Nicaragua, Paraguay, Philippines, Saudi Arabia, Turkey, Uruguay, Yemen.

7. The Committee proposed that in the meanwhile the representatives of the States mentioned in paragraph 6 should be seated provisionally with the same rights as the other representatives.

8. During the discussion, the representative of the Union of Soviet Socialist Republics stated that, in the opinion of his delegation, the credentials of the representatives of the Government of the Republic of China should be rejected as illegal.

9. The Chairman ruled that any discussion of the question of the representation of China was out of order in view of the resolution (800 (VIII)) adopted by the General Assembly at its 432nd meeting, by which the Assembly

decided to postpone for the duration of the eighth regular session in the current year consideration of all proposals to exclude the representatives of the Government of the Republic of China and to seat representatives of the Central People's Government of the People's Republic of China.

10. The representative of the Union of Soviet Socialist Republics challenged the Chairman's ruling.

11. The Chairman put his ruling to the vote. The ruling was upheld by 5 votes to 1, with 1 abstention.

Recommendation of the Credentials Committee

12. The Credentials Committee, with the representative of the Union of Soviet Socialist Republics objecting, recommends that the General Assembly should adopt the following resolution:

Draft resolution

The General Assembly

Approves the first report of the Credentials Committee.

DOCUMENT A/2593

Second report of the Credentials Committee

[Original text: English]

[3 December 1953]

1. The Credentials Committee met again at United Nations Headquarters on 2 December 1953. Representatives of the following Member States on the Committee participated in the meeting: Iceland, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

2. The Committee examined the communications transmitted to the Secretary-General (A/CR/9) since its first meeting by the following Member States: Afghanistan, Argentina, Bolivia, Colombia, Honduras, Lebanon, Nicaragua, Paraguay, Philippines, Saudi Arabia, Turkey, Uruguay, Yemen.

3. The Committee found that the Governments of the Member States listed above had submitted credentials for

their representatives satisfying the requirements of rule 27 of the rules of procedure of the General Assembly.

4. All Member States, therefore, have furnished their representatives attending the eighth session of the General Assembly with credentials satisfying the requirements of the rules of procedure of the General Assembly.

Recommendation of the Credentials Committee

5. The Credentials Committee recommends that the General Assembly should adopt the following resolution:

The General Assembly

Approves the second report of the Credentials Committee.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 449th plenary meeting, on 29 September 1953, the General Assembly adopted the above draft resolution submitted by the Credentials Committee in its first report. For the final text see resolution 713 A (VIII).

At its 468th plenary meeting, on 7 December 1953, the General Assembly adopted the above draft resolution submitted by the Credentials Committee in its second report. For the final text see resolution 713 B (VIII).

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Document No.	Title	Page	Observations and references
A/2490	First report of the Credentials Committee	1	
A/2593	Second report of the Credentials Committee	2	
A/CR/8	Status of credentials of representatives to the General Assembly on 18 September 1953: memorandum by the Secretary-General		Mimeographed document only
A/RESOLUTION/107	Resolution adopted by the General Assembly at its 449th plenary meeting on 29 September 1953		Officials Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 713 A (VIII)
A/RESOLUTION/162	Resolution adopted by the General Assembly at its 468th plenary meeting on 7 December 1953		Ibid., resolution 713 B (VIII)



Agenda item 4 : Election of the President

[No documents]

DOCUMENTS INDEX UNIT **MASTER**
JUN 15 1954



Agenda item 5 : Constitution of the Main Committees and election of officers

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 432nd plenary meeting, on 15 September 1953, the General Assembly adopted the draft resolution submitted by Brazil, Canada, Colombia, Cuba, Denmark, Ecuador, Greece, Honduras, Mexico, Norway, Peru, the Philippines and Sweden (A/L.161). For the final text, see resolution 801 (VIII).

DOCUMENTS
INDEX UNIT

MASTER

JUN 17 1954

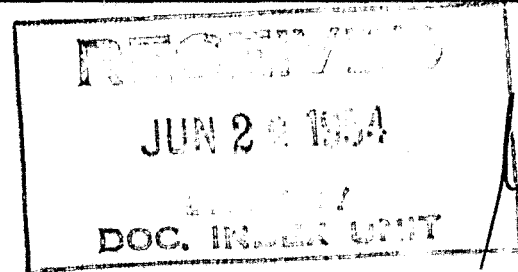
CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/L.161	Brazil, Canada, Colombia, Cuba, Denmark, Ecuador, Greece, Honduras, Mexico, Norway, Peru, Philippines and Sweden: draft resolution	Mimeographed document only.
A/RESOLUTION/105	Resolution adopted by the General Assembly at its 432nd plenary meeting on 15 September 1953	See <i>Official Records of the General Assembly, Eighth Session, Supplement No. 20, resolution 801 (VIII)</i> .



Agenda item 6 : Election of Vice-Presidents

[No documents]



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

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A/2472	Letter dated 14 September 1953 from the Secretary-General to the President of the General Assembly	1
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DOCUMENT A/2472**Letter dated 14 September 1953 from the Secretary-General to the President of the General Assembly**[Original text: English]
[14 September 1953]*New York, 14 September 1953*

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 matter relative to the maintenance of international peace and security which is being dealt with by the Security Council, and which has been discussed during the period since my last notification, is the India-Pakistan question.

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

1. Special agreements under Article 43 of the Charter and the organization of armed forces to be made available to the Security Council.

2. The Indonesian question.
3. The Egyptian question.
4. The Iranian question.
5. The question of the Free Territory of Trieste.
6. Appointment of a Governor for the Free Territory of Trieste.
7. The Hyderabad question.
8. The Czechoslovakian question.
9. Identical 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.
10. International control of atomic energy.
11. Complaint of armed invasion of Taiwan (Formosa).
12. Complaint of bombing by air forces of the territory of China.
13. The Palestine question.
14. 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.
15. The regulation and reduction of conventional armaments and armed forces.
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 request for investigation of alleged bacterial warfare.

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Agenda item 8: Adoption of the agenda

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A/2443	Supplementary list of items for the agenda of the eighth session	3
A/BUR/136	Adoption of the agenda and allocation of items to Committees: memorandum by the Secretary-General	4
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A/2477	First report of the General Committee	8
A/2484	Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the eighth session	9
A/2486	Second report of the General Committee	10
A/2536	Third report of the General Committee	10
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DOCUMENT A/2416

Provisional agenda of the eighth session of the General Assembly

To CONVENE AT HEADQUARTERS, NEW YORK, ON TUESDAY, 15 SEPTEMBER 1953, AT 3 P.M.

[Original text: English]
[17 July 1953]

1. Opening of the session by the Chairman of the delegation of Canada.
2. Minute of silent prayer or meditation.
3. Appointment of a 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.
13. Report of the Trusteeship Council.
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 Council.
17. Election of the members of the International Law Commission (resolutions 174 (II) of 21 November 1947 and 486 (V) of 12 December 1950).
18. The Korean question :
 - (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea (resolution 376 (V) of 7 October 1950) ;
 - (b) Report of the United Nations Agent General for Korean Reconstruction (resolution 410 A (V) of 1 December 1950).
19. Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (resolutions 302 (IV) of 8 December 1949 and 614 (VII) of 6 November 1952).
20. Treatment of people of Indian origin in the Union of South Africa: report of the United Nations Good Offices Commission (resolution 615 (VII) of 5 December 1952).
21. The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa: report of the Commission appointed to study the racial situation in the Union

- of South Africa (resolution 616 A (VII) of 5 December 1952).
22. Admission of new Members: report of the Special Committee (resolution 620 A (VII) of 21 December 1952).
 23. Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission (resolution 704 (VII) of 8 April 1953).
 24. Question of impartial investigation of charges of use by United Nations forces of bacterial warfare (resolution 706 (VII) of 23 April 1953).
 25. Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China: report of the Government of the Union of Burma (resolution 707 (VII) of 23 April 1953).
 26. Economic development of under-developed countries:
 - (a) Question of establishing a special fund for grants-in-aid and for low-interest long-term loans: report of the Economic and Social Council (resolution 622 A (VII) of 21 December 1952);
 - (b) Status of the proposal for the establishment of an international finance corporation: report of the Economic and Social Council (resolution 622 B (VII) of 21 December 1952).
 27. Expanded Programme of Technical Assistance for the economic development of under-developed countries: report of the Economic and Social Council (resolution 621 (VII) of 21 December 1952).
 28. Work of the Office of the United Nations High Commissioner for Refugees:
 - (a) Report of the United Nations High Commissioner for Refugees (resolution 428 (V) of 14 December 1950);
 - (b) Memorandum by the Secretary-General;
 - (c) Question of the continuation of the Office of the United Nations High Commissioner for Refugees (resolutions 319 (IV) of 3 December 1949 and 428 (V) of 14 December 1950).
 29. Continuation on a permanent basis of the United Nations International Children's Emergency Fund (resolution 417 (V) of 1 December 1950).
 30. Transfer to the United Nations of the functions undertaken by the League of Nations under the International Slavery Convention of 1926. Draft protocol prepared by the Secretary-General: item proposed by the Economic and Social Council (Economic and Social Council resolution 475 (XV) of 27 April 1953).
 31. The Ewe and Togoland unification problem: special report of the Trusteeship Council (resolution 652 (VII) of 20 December 1952).
 32. 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) Information on educational conditions;
 - (b) Information on other conditions;
 - (c) Transmission of information;
 - (d) Participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories: recommendations of the Committee (resolution 647 (VII) of 10 December 1952).
 33. Factors which should 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: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (resolution 648 (VII) of 10 December 1952).
 34. Cessation of the transmission of information under Article 73 e of the Charter: reports of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) and of the Committee on Information from Non-Self-Governing Territories:
 - (a) Netherlands Antilles and Surinam (resolution 650 (VII) of 20 December 1952);
 - (b) Puerto Rico (resolution 448 (V) of 12 December 1950).
 35. Election of two members of the Committee on Information from Non-Self-Governing Territories (resolution 646 (VII) of 10 December 1952).
 36. Question of South-West Africa: report of the *Ad Hoc* Committee on South-West Africa (resolution 651 (VII) of 20 December 1952).
 37. Financial reports and accounts, and reports of the Board of Auditors:
 - (a) United Nations, for the financial year ended 31 December 1952;
 - (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1952;
 - (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1953;
 - (d) United Nations Korean Reconstruction Agency, for the financial year ended 30 June 1953.
 38. Supplementary estimates for the financial year 1953.
 39. Budget estimates for the financial year 1954.
 40. 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.
 41. Headquarters of the United Nations: report of the Secretary-General (resolution 663 (VII) of 25 November 1952).
 42. Scale of assessment for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (resolution 665 (VII) of 5 December 1952).
 43. Review of audit procedures of the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (resolution 672 B (VII) of 20 December 1952).
 44. Report of the Negotiating Committee for Extra-Budgetary Funds (resolution 693 (VII) of 25 October 1952).
 45. Administrative and budgetary co-ordination between the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions.
 46. 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).
 47. United Nations Joint Staff Pension Fund:
 - (a) Annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952;
 - (b) Acceptance by the specialized agencies of the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations: report of the Secretary-General (resolution 678 (VII) of 21 December 1952);

- (c) Amendments to the regulations for the United Nations Joint Staff Pension Fund: report of the United Nations Joint Staff Pension Board (resolution 680 (VII) of 21 December 1952).
48. Organization of the Secretariat: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (resolution 681 A (VII) of 21 December 1952).
49. Report of the Committee on Special Administrative Questions (resolution 681 B (VII) of 21 December 1952).
50. Staff Regulations of the United Nations. Question of a probationary period: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (resolution 682 (VII) of 21 December 1952).
51. Personnel policy: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (resolution 708 (VII) of 1 April 1953).
52. Question of a change in the opening date of regular sessions of the General Assembly: report of the Secretary-General (resolution 692 (VII) of 18 December 1952).
53. Report of the International Law Commission on the work of its fifth session.
54. Measures to limit the duration of regular sessions of the General Assembly: report of the Special Committee (resolution 689 A (VII) of 21 December 1952).
55. Question of the continuation of the functions of the United Nations Tribunal in Libya: item proposed by the Secretary-General.
56. The Tunisian question: item proposed by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen.
57. The question of Morocco: item proposed by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen.
58. Publication of documents concerning the drafting and application of the Charter: item proposed by Argentina.

DOCUMENT A/2443

Supplementary list of items for the agenda of the eighth session

[Original text: English]
[25 August 1953]

1. Election of a member of the International Court of Justice to fill the vacancy caused by the resignation of Judge Sergei Aleksandrovich Golunsky.
2. Question of assistance to Libya: item proposed by the Economic and Social Council (Economic and Social Council resolution 493 (XVI) of 3 August 1953).
3. Technical assistance in public administration: item proposed by the Economic and Social Council (Economic and Social Council resolution 492 B (XVI) of 4 August 1953).
4. Technical assistance in promoting and safeguarding the rights of women: item proposed by the Economic and Social Council (Economic and Social Council resolution 504 J II (XVI) of 23 July 1953).
5. Technical assistance in the fields of prevention of discrimination and protection of minorities: item proposed by the Economic and Social Council (Economic and Social Council resolution 502 G (XVI) of 3 August 1953).
6. Invitation to non-member States to become Parties to the Convention on the Political Rights of Women: item proposed by the Economic and Social Council (Economic and Social Council resolution 504 E (XVI) of 23 July 1953).
7. Development of political rights of women in territories where these rights are not fully enjoyed: item proposed by the Economic and Social Council (Economic and Social Council resolution 504 F (XVI) of 23 July 1953).
8. Programme of concerted practical action in the social field of the United Nations and the specialized agencies: item proposed by the Economic and Social Council (Economic and Social Council resolution 496 (XVI) of 31 July 1953).
9. Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention: item proposed by the Economic and Social Council (Economic and Social Council resolution 502 E (XVI) of 3 August 1953).
10. Narcotic drugs:
- (a) Assumption by organs of the United Nations of functions and responsibilities assigned to them under the terms of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953, and of the financial burdens resulting therefrom: item proposed by the Economic and Social Council (Economic and Social Council resolution 505 I (XVI) of 28 July 1953);
- (b) Question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body: item proposed by the Economic and Social Council (Economic and Social Council resolution 505 F III (XVI) of 28 July 1953).
11. Evidence of existence of forced labour: item proposed by the United States of America.
12. Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter: item proposed by the Netherlands.
13. Measures for the peaceful solution of the problem of prisoners of war: item proposed by the Secretary-General.

DOCUMENT A/BUR/136

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

[Original text: English]
[11 September 1953]

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 eighth session and the allocation of agenda items to Committees:

I. ADOPTION OF THE AGENDA

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

Provisional agenda of the eighth session of the General Assembly (A/2416);

Supplementary list of items for the agenda of the eighth session (A/2443);

Request for the inclusion of an additional item in the agenda of the eighth session, "Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States" (A/2466).

2. In connexion with item 28 (b) of the provisional agenda, "Work of the Office of the United Nations High Commissioner for Refugees: (b) memorandum by the Secretary-General", the attention of the General Committee is called to document A/2457 which is the memorandum of the Secretary-General and which was circulated subsequent to the issuance of the provisional agenda. It is, therefore, suggested that the title of this memorandum, "International action on behalf of refugees", should be included in the title of sub-item (b) as follows: "International action on behalf of refugees: memorandum by the Secretary-General".

3. The Secretary-General suggests that slight drafting changes be made in the title of item 30 of the provisional agenda relating to the Slavery Convention of 25 September 1926 in order to bring it into conformity with the title of the draft resolution which the Secretary-General, in accordance with Economic and Social Council resolution 475 (XV) of 27 April 1953, has prepared (A/2435). The revised title would read as follows: "Transfer to the United Nations of functions and powers exercised by the League of Nations under the Slavery Convention of 25 September 1926: draft protocol prepared by the Secretary-General".

4. Taking into account the suggestions contained in paragraphs 2 and 3 above, the agenda of the eighth session would read as follows:¹

1. Opening of the session by the Chairman of the delegation of Canada (PA1).
2. Minute of silent prayer or meditation (PA2).
3. Appointment of a Credentials Committee (PA3).
4. Election of the President (PA4).
5. Constitution of the Main Committees and election of officers (PA5).
6. Election of Vice-Presidents (PA6).
7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter (PA7).
8. Adoption of the agenda (PA8).

¹ The number in brackets after each item indicates the number under which the item appears on the provisional agenda (PA) (see A/2416) or the supplementary list (SL) (see A/2443). The additional item is indicated by (AI) (see A/2466).

9. Opening of the general debate (PA9).
10. Report of the Secretary-General on the work of the Organization (PA10).
11. Report of the Security Council (PA11).
12. Report of the Economic and Social Council (PA12).
13. Report of the Trusteeship Council (PA13).
14. Election of three non-permanent members of the Security Council (PA14).
15. Election of six members of the Economic and Social Council (PA15).
16. Election of two members of the Trusteeship Council (PA16).
17. Election of the members of the International Law Commission (PA17).
18. The Korean question (PA18):
 - (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea;
 - (b) Report of the United Nations Agent General for Korean Reconstruction.
19. Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (PA19).
20. Treatment of people of Indian origin in the Union of South Africa: report of the United Nations Good Offices Commission (PA20).
21. The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa: report of the Commission appointed to study the racial situation in the Union of South Africa (PA21).
22. Admission of new Members: report of the Special Committee (PA22).
23. Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission (PA23).
24. Question of impartial investigation of charges of use by United Nations forces of bacterial warfare (PA24).
25. Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China: report of the Government of the Union of Burma (PA25).
26. Economic development of under-developed countries (PA26):
 - (a) Question of establishing a special fund for grants-in-aid and for low-interest long-term loans: report of the Economic and Social Council;
 - (b) Status of the proposal for the establishment of an international finance corporation: report of the Economic and Social Council.
27. Expanded Programme of Technical Assistance for the economic development of under-developed countries: report of the Economic and Social Council (PA27).
28. Work of the Office of the United Nations High Commissioner for Refugees (PA28):
 - (a) Report of the United Nations High Commissioner for Refugees;
 - (b) International action on behalf of refugees: memorandum by the Secretary-General;
 - (c) Question of the continuation of the Office of the United Nations High Commissioner for Refugees.

29. Continuation on a permanent basis of the United Nations International Children's Emergency Fund (PA29).
30. Transfer to the United Nations of functions and powers exercised by the League of Nations under the Slavery Convention of 25 September 1926: draft protocol prepared by the Secretary-General (PA30).
31. The Ewe and Togoland unification problem: special report of the Trusteeship Council (PA31).
32. 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 (PA32):
 - (a) Information on educational conditions;
 - (b) Information on other conditions;
 - (c) Transmission of information;
 - (d) Participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories: recommendations of the Committee.
33. Factors which should 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: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (PA33).
34. Cessation of the transmission of information under Article 73 e of the Charter: reports of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) and of the Committee on Information from Non-Self-Governing Territories (PA34):
 - (a) Netherlands Antilles and Surinam;
 - (b) Puerto Rico.
35. Election of two members of the Committee on Information from Non-Self-Governing Territories (PA35).
36. Question of South-West Africa: report of the *Ad Hoc* Committee on South-West Africa (PA36).
37. Financial reports and accounts, and reports of the Board of Auditors (PA37):
 - (a) United Nations, for the financial year ended 31 December 1952;
 - (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1952;
 - (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1953;
 - (d) United Nations Korean Reconstruction Agency, for the financial year ended 30 June 1953.
38. Supplementary estimates for the financial year 1953 (PA38).
39. Budget estimates for the financial year 1954 (PA39).
40. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly (PA40):
 - (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.
41. Headquarters of the United Nations: report of the Secretary-General (PA41).
42. Scale of assessment for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (PA42).
43. Review of audit procedures of the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (PA43).
44. Report of the Negotiating Committee for Extra-Budgetary Funds (PA44).
45. Administrative and budgetary co-ordination between the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (PA45).
46. Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account (PA46).
47. United Nations Joint Staff Pension Fund (PA47):
 - (a) Annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952;
 - (b) Acceptance by the specialized agencies of the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations: report of the Secretary-General;
 - (c) Amendments to the regulations for the United Nations Joint Staff Pension Fund: report of the United Nations Joint Staff Pension Board.
48. Organization of the Secretariat: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (PA48).
49. Report on the Committee on Special Administrative Questions (PA49).
50. Staff Regulations of the United Nations. Question of a probationary period: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (PA50).
51. Personnel policy: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (PA51).
52. Question of a change in the opening date of regular sessions of the General Assembly: report of the Secretary-General (PA52).
53. Report of the International Law Commission on the work of its fifth session (PA53).
54. Measures to limit the duration of regular sessions of the General Assembly: report of the Special Committee (PA54).
55. Question of the continuation of the functions of the United Nations Tribunal in Libya (PA55).
56. The Tunisian question (PA56).
57. The question of Morocco (PA57).
58. Publication of documents concerning the drafting and application of the Charter (PA58).
59. Election of a member of the International Court of Justice to fill the vacancy caused by the resignation of Judge Sergei Aleksandrovich Golunsky (SL1).
60. Question of assistance to Libya (SL2).
61. Technical assistance in public administration (SL3).
62. Technical assistance in promoting and safeguarding the rights of women (SL4).
63. Technical assistance in the fields of prevention of discrimination and protection of minorities (SL5).
64. Invitation to non-member States to become Parties to the Convention on the Political Rights of Women (SL6).
65. Development of political rights of women in territories where these rights are not fully enjoyed (SL7).
66. Programme of concerted practical action in the social field of the United Nations and the specialized agencies (SL8).
67. Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention

and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention (SL9).

68. Narcotic drugs (SL10) :

- (a) Assumption by organs of the United Nations of functions and responsibilities assigned to them under the terms of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953, and of the financial burdens resulting therefrom ;
- (b) Question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body.

69. Evidence of existence of forced labour (SL11).

70. Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter (SL12).

71. Measures for the peaceful solution of the problem of prisoners of war (SL13).

72. Amendment of the Charter : election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States (AI).

II. ESTABLISHMENT OF AN "AD HOC" POLITICAL COMMITTEE

5. In harmony with the procedure adopted in previous regular sessions, the Secretary-General proposes that there be established an *Ad Hoc* Political Committee on which each Member may be represented by one person as provided in rules 96 and 100 of the rules of procedure.

III. ALLOCATION OF AGENDA ITEMS TO COMMITTEES

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

Plenary meetings

1. Opening of the session by the Chairman of the delegation of Canada.
2. Minute of silent prayer or meditation.
3. Appointment of a 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, VI, VII and VIII).
13. Election of three non-permanent members of the Security Council.
14. Election of six members of the Economic and Social Council.
15. Election of two members of the Trusteeship Council.
16. Election of the members of the International Law Commission.
17. Election of a member of the International Court of Justice to fill the vacancy caused by the resignation of Judge Sergej Aleksandrovich Golunsky.

First Committee

1. The Korean question :
 - (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea.
2. Regulation, limitation and balanced reduction of all armed forces and all armaments : report of the Disarmament Commission.
3. Question of impartial investigation of charges of use by United Nations forces of bacterial warfare.
4. Complaint by the Union of Burma regarding aggressions against it by the Government of the Republic of China : report of the Government of the Union of Burma.
5. The Tunisian question.
6. The question of Morocco.

Ad Hoc Political Committee

1. Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.
2. Treatment of people of Indian origin in the Union of South Africa : report of the United Nations Good Offices Commission.
3. The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa : report of the Commission appointed to study the racial situation in the Union of South Africa.
4. Admission of new Members : report of the Special Committee.

Second Committee

1. The Korean question :
 - (b) Report of the United Nations Agent General for Korean Reconstruction.
2. Economic development of under-developed countries :
 - (a) Question of establishing a special fund for grants-in-aid and for low-interest long-term loans : report of the Economic and Social Council ;
 - (b) Status of the proposal for the establishment of an international finance corporation : report of the Economic and Social Council.
3. Expanded Programme of Technical Assistance for the economic development of under-developed countries : report of the Economic and Social Council.
4. Question of assistance to Libya.
5. Technical assistance in public administration.
6. Report of the Economic and Social Council (chapters II and III).

Third Committee

1. Work of the Office of the United Nations High Commissioner for Refugees :
 - (a) Report of the United Nations High Commissioner for Refugees ;
 - (b) International action on behalf of refugees : memorandum by the Secretary-General ;
 - (c) Question of the continuation of the Office of the United Nations High Commissioner for Refugees.
2. Continuation on a permanent basis of the United Nations International Children's Emergency Fund.
3. Technical assistance in promoting and safeguarding the rights of women.
4. Technical assistance in the fields of prevention of discrimination and protection of minorities.
5. Development of political rights of women in territories where these rights are not fully enjoyed.

6. Programme of concerted practical action in the social field of the United Nations and the specialized agencies.
7. Evidence of existence of forced labour.
8. Measures for the peaceful solution of the problem of prisoners of war.
9. Report of the Economic and Social Council (chapters IV and V).

Fourth Committee

1. Report of the Trusteeship Council.
2. The Ewe and Togoland unification problem: special report of the Trusteeship Council.
3. 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) Information on educational conditions.
 - (b) Information on other conditions.
 - (c) Transmission of information.
 - (d) Participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories: recommendations of the Committee.
4. Factors which should 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: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories).
5. Cessation of the transmission of information under Article 73 e of the Charter: reports of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) and of the Committee on Information from Non-Self-Governing Territories:
 - (a) Netherlands Antilles and Surinam;
 - (b) Puerto Rico.
6. Election of two members of the Committee on Information from Non-Self-Governing Territories.
7. Question of South-West Africa: report of the *Ad Hoc* Committee on South-West Africa.

Fifth Committee

1. Financial reports and accounts, and reports of the Board of Auditors:
 - (a) United Nations, for the financial year ended 31 December 1952;
 - (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1952;
 - (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1953;
 - (d) United Nations Korean Reconstruction Agency, for the financial year ended 30 June 1953.
2. United Nations Joint Staff Pension Fund:
 - (a) Annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952;
 - (b) Acceptance by the specialized agencies of the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations: report of the Secretary-General;
 - (c) Amendments to the regulations for the United Nations Joint Staff Pension Fund: report of the United Nations Joint Staff Pension Board.
3. Report of the Negotiating Committee for Extra-Budgetary Funds.

4. Budget estimates for the financial year 1954.
5. Supplementary estimates for the financial year 1953.
6. Scale of assessment for the apportionment of the expenses of the United Nations: report of the Committee on Contributions.
7. 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.
8. Administrative and budgetary co-ordination between the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions.
9. Review of audit procedures of the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions.
10. Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account.
11. Headquarters of the United Nations: report of the Secretary-General.
12. Narcotic drugs:
 - (a) Assumption by organs of the United Nations of functions and responsibilities assigned to them under the terms of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953, and of the financial burdens resulting therefrom;
 - (b) Question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body.
13. Staff Regulations of the United Nations. Question of a probationary period: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions.
14. Personnel policy: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions.
15. Report of the Committee on Special Administrative Questions.
16. Organization of the Secretariat: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions.
17. Question of a change in the opening date of regular sessions of the General Assembly: report of the Secretary-General.
18. Report of the Economic and Social Council (chapter IX).

Sixth Committee

1. Transfer to the United Nations of functions and powers exercised by the League of Nations under the Slavery Convention of 25 September 1926: draft protocol prepared by the Secretary-General.
2. Measures to limit the duration of regular sessions of the General Assembly: report of the Special Committee.
3. Question of the continuation of the functions of the United Nations Tribunal in Libya.

4. Report of the International Law Commission on the work of its fifth session.
5. Invitation to non-member States to become Parties to the Convention on the Political Rights of Women.
6. Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention.
7. Publication of documents concerning the drafting and application of the Charter.
8. Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter.
9. Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States.

DOCUMENT A/BUR/137

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

[Original text: English]
[11 September 1953]

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

SCHEDULE OF MEETINGS

1. It is suggested that both plenary and committee meetings should begin at 10.30 a.m. and 3 p.m. In view of the heavy programme, it is urged that delegations make every effort to arrive at the scheduled meeting-place on time.

2. It is proposed that a six-day working week be established. On Saturdays, one extended meeting will normally be scheduled for Committees from 10.30 a.m. to 2 p.m.

3. The Secretary-General wishes to urge that Committees co-operate to the fullest extent possible in the scheduling of committee meetings in such a way as to ensure the maximum utilization of committee rooms and services.

CLOSING DATE FOR THE SESSION

4. Rule 2 of the rules of procedure of the General Assembly, as amended during the seventh session, states: "On the recommendation of the General Committee, the General Assembly shall, at the beginning of each session, fix a closing date for the session". The Secretary-General wishes to suggest that the General Committee propose to the General Assembly 8 December 1953 as the closing date of the eighth session.

VERBATIM RECORDS OF MAIN COMMITTEES

5. The Secretary-General wishes again to bring to the attention of the General Committee the decision taken by the General Assembly at its 121st meeting on 20

November 1947, at the time of approval of the Third Annual Budget of the United Nations,² that the Secretary-General be authorized to provide verbatim records "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".³

6. The General Committee is therefore required to decide for which of the Main Committees verbatim records shall be provided during the eighth session of the General Assembly. The Secretary-General suggests that the verbatim record services be assigned to the First Committee and that any verbatim records required by the *Ad Hoc* Political Committee be provided from the sound recording of the Committee's proceedings.

SEATING ARRANGEMENTS

7. In accordance with the practice followed with regard to previous sessions of the General Assembly, 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. China was the name drawn and, consequently, China 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 daily rotation of one place in the Main Committees thereafter.

² See *Official Records of the General Assembly, Second Session, Plenary Meetings*, vol. II, p. 1194.

³ *Ibid.*, p. 1501.

DOCUMENT A/2477

First report of the General Committee

[Original text: English]
[16 September 1953]

The General Committee, at its 87th meeting held on 16 September 1953, considered the provisional agenda (A/2416), the supplementary list of items (A/2443), the request for the inclusion of an additional item (A/2466) and the allocation of agenda items to committees. The Committee also considered the memorandum of the Secretary-General on the organization of the session (A/BUR/137).

I. ADOPTION OF THE AGENDA

1. The General Committee recommends to the General Assembly the adoption of the following agenda for the eighth session:

Agenda of the Eighth Session of the General Assembly
[See document A/BUR/136, para. 4]

II. ALLOCATION OF AGENDA ITEMS TO COMMITTEES

2. The General Committee recommends the following allocation of agenda items to Committees:

Plenary Meetings

[for items 1-17 inclusive, see document A/BUR/136, section III.]

18. Continuation on a permanent basis of the United Nations International Children's Emergency Fund.

First Committee

[See document A/BUR/136, section III.]

Ad Hoc Political Committee⁴

[See document A/BUR/136, section III.]

Second Committee

[See document A/BUR/136, section III.]

Third Committee

1. Work of the Office of the United Nations High Commissioner for Refugees:

- (a) Report of the United Nations High Commissioner for Refugees;
- (b) International action on behalf of refugees: memorandum by the Secretary-General;
- (c) Question of the continuation of the Office of the United Nations High Commissioner for Refugees;

2. Technical assistance in promoting and safeguarding the rights of women.

3. Technical assistance in the fields of prevention of discrimination and protection of minorities.

⁴ Established by the General Assembly at its 432nd plenary meeting on 15 September 1953.

4. Development of political rights of women in territories where these rights are not fully enjoyed.
5. Programme of concerted practical action in the social field of the United Nations and the specialized agencies.
6. Evidence of existence of forced labour.
7. Measures for the peaceful solution of the problem of prisoners of war.
8. Report of the Economic and Social Council (chapters IV and V).

Fourth Committee

[See document A/BUR/136, section III.]

Fifth Committee

[See document A/BUR/136, section III.]

Sixth Committee

[See document A/BUR/136, section III.]

III. ORGANIZATION OF THE EIGHTH SESSION OF THE GENERAL ASSEMBLY

3. On the proposal of the Secretary-General, 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 shall begin at 10.30 a.m. and 3 p.m.;

(b) That a six-day working week be established, and that normally on Saturdays one extended meeting be scheduled for Committees from 10.30 a.m. to 2 p.m.;

4. On the proposal of the Secretary-General, the General Committee recommends that the General Assembly approve, in accordance with rule 2 of the rules of procedure of the General Assembly, 8 December 1953 as the closing date for the eighth session.

DOCUMENT A/2484

Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the eighth session

[Original text: Russian]
[19 September 1953]

I. LETTER DATED 18 SEPTEMBER 1953 FROM THE CHAIRMAN OF THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE PRESIDENT OF THE GENERAL ASSEMBLY

The USSR delegation considers it necessary to include the following item in the agenda of the eighth session of the General Assembly:

"Note of the Secretary-General concerning the implementation of General Assembly resolution 711 C (VII), adopted on 28 August 1953".

In accordance with rule 20 of the rules of procedure I am submitting an explanatory memorandum on this question.

I shall be grateful if you will give instructions for the attached explanatory memorandum to be distributed as a General Assembly document.

(Signed) A. VYSHINSKY

Chairman of the Delegation
of the Union of Soviet Socialist Republics

II. EXPLANATORY MEMORANDUM

Under General Assembly resolution 711 C (VII) of 28 August 1953, the Secretary-General was requested to notify the Central People's Government of the People's Republic of China and the Government of the People's Democratic Republic of Korea of proposals concerning the Korean question adopted at the seventh session of the General Assembly, and to communicate to them the records of the debates in the General Assembly, and to report as appropriate.

The Secretary-General has now distributed to the delegations to the eighth session of the General Assembly a note concerning the implementation of General Assembly resolution 711 C (VII) of 28 August 1953.

As the USSR delegation considers both this memorandum and the replies of the Central People's Republic of China and of the Government of the People's Democratic Republic of Korea to be of the greatest importance, it requests that the following item should be included in the agenda of the eighth session of the General Assembly:

"Note of the Secretary-General concerning the implementation of General Assembly resolution 711 C (VII), adopted on 28 August 1953".

DOCUMENT A/2486**Second report of the General Committee**

[Original text: English]
[22 September 1953]

1. The General Committee, at its 88th meeting held on 22 September 1953, considered the request by the Union of Soviet Socialist Republics (A/2484) for the inclusion in the agenda of the eighth session of the following additional item:

“Note of the Secretary-General concerning the implementation of General Assembly resolution 711 C (VII), adopted on 28 August 1953.”

2. The General Committee decided to recommend to the General Assembly that this item should not be included in the agenda of the session.

3. At its 89th meeting on the same date, the General Committee considered a further request by the Union of Soviet Socialist Republics (A/2485) for the inclusion in the agenda of the following additional item:

“Measures to avert the threat of a new world war and to reduce tension in international relations”.

4. The General Committee decided to recommend to the General Assembly that this item should be included in the agenda of the session, and that it should be referred to the First Committee for consideration and report.

DOCUMENT A/2536**Third report of the General Committee**

[Original text: English]
[2 November 1953]

1. The General Committee, at its 90th meeting held on 2 November 1953, considered a request by the United States of America (A/2531 and Add.1) for the inclusion in the agenda of the eighth session of the following additional item:

“Question of atrocities committed by the North Korean and Chinese communist forces against United Nations prisoners of war in Korea”.

2. The General Committee decided to recommend to the General Assembly the inclusion of this item and its consideration directly in plenary meeting without reference to a Committee.

DOCUMENT A/2617**Fourth report of the General Committee**

[Original text: English]
[7 December 1953]

1. The General Committee, at its 91st meeting held on 7 December 1953, considered two requests referred to the General Assembly by the Security Council for the inclusion in the agenda of the eighth session of the following additional items:

“Application of Japan to become a party to the Statute of the International Court of Justice” (A/2600);

“Application of San Marino to become a party to the Statute of the International Court of Justice” (A/2601).

2. The General Committee decided to recommend to the General Assembly the inclusion of these items and their consideration directly in plenary meeting without reference to a Committee.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2183	Supplementary list of items for the agenda of the seventh session: letter dated 12 September 1952 addressed to the Secretary-General by the permanent representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen		Official Records of the General Assembly, Seventh Session, Annexes, agenda item 66

Document No.	Title	Page	Observations and references
A/2415	Argentina: proposal for the inclusion of an item in the provisional agenda of the eighth session		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 58
A/2415/Add.1	Argentina: draft resolution		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 58
A/2416	Provisional agenda of the eighth session of the General Assembly	1	
A/2442	Netherlands: request for the inclusion of an additional item in the agenda of the eighth session		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 70
A/2443	Supplementary list of items for the agenda of the eighth session	3	
A/2450	Report of the First Committee		<i>Ibid.</i> , Seventh Session, Annexes, agenda item 16
A/2466	Egypt: request for the inclusion of an additional item in the agenda of the eighth session		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 72
A/2466/Add.1	Egypt: explanatory memorandum		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 72
A/2477	First report of the General Committee	8	
A/2480	Note by the Secretary-General on the implementation of resolution 711 C (VII) adopted by the General Assembly at its 430th plenary meeting, on 28 August 1953		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 18
A/2481 and Add.1 to 3	Agenda of the eighth session of the General Assembly		<i>Ibid.</i> , Eighth Session, Plenary Meetings, prefatory fascicule
A/2482 and Corr.1	Progress report to the Secretary-General on the work of the <i>Ad Hoc</i> Commission on Prisoners of War: note by the Secretary-General		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 71
A/2484	Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the eighth session	9	
A/2485	Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the eighth session		Mimeographed document only. Replaced by A/2485/Rev.1
A/2485/Rev.1	<i>Ditto</i>		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 73, for covering letter only. Draft resolution incorporated in the verbatim record of the 438th plenary meeting, para. 83.
A/2485/Add.1	Union of Soviet Socialist Republics: explanatory memorandum		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 73
A/2486	Second report of the General Committee	10	
A/2531	United States of America: request for the inclusion of an additional item in the agenda of the eighth session		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 74
A/2531/Add.1	United States of America: explanatory memorandum		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 74
A/2536	Third report of the General Committee	10	
A/2600	Letter dated 3 December 1953 from the President of the Security Council to the President of the General Assembly		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 75
A/2601	Letter dated 3 December 1953 from the President of the Security Council to the President of the General Assembly		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 76
A/2617	Fourth report of the General Committee	10	
A/BUR/136	Adoption of the agenda and allocation of items to Committees: memorandum by the Secretary-General	4	
A/BUR/137	Organization of the eighth session: memorandum by the Secretary-General	8	
A/C.1/L.50	Burma, India, Indonesia and Liberia: draft resolution		<i>Ibid.</i> , Seventh Session, Annexes, agenda item 16 (continued)
A/C.1/L.51	Peru: amendment to the draft resolution submitted by Burma, India, Indonesia and Liberia (A/C.1/L.50)		<i>Ibid.</i>
A/L.157	Union of Soviet Socialist Republics: draft resolution		<i>Ibid.</i>
S/1674	Letter dated 7 August 1950 addressed to the Secretary-General from the President of the Security Council, transmitting a communication from the Minister for Foreign Affairs of the People's Democratic Republic of Korea		Official Records of the Security Council, Fifth Year, No. 26
S/1778/Rev.1	Cablegram dated 7 September 1950 to the President of the Security Council and to the Secretary-General from the Minister for Foreign Affairs of the People's Democratic Republic of Korea, concerning the complaint of aggression upon the Republic of Korea		<i>Ibid.</i> , No. 44



Agenda item 9 : Opening of the general debate

[No documents]

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Agenda item 10: Report of the Secretary-General on the work of the Organization

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<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/2404	Annual report of the Secretary-General on the work of the Organization, 1 July 1952 - 30 June 1953	<i>Official Records of the General Assembly, Eighth Session, Supplement No. 1.</i>

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ACTION TAKEN BY THE GENERAL ASSEMBLY JUN 15 1954

At its 455th plenary meeting, on 3 November 1953, the General Assembly adopted the draft resolution submitted by Greece (A/L.164). For the final text, see resolution 803 (VIII).

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<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/2437	Report of the Security Council to the General Assembly covering the period from 16 July 1952 to 15 July 1953	See <i>Official Records of the General Assembly, Eighth Session, Supplement No. 2</i>
A/L.164	Greece: draft resolution	Incorporated in the verbatim record of the 455th plenary meeting, para. 8
A/RESOLUTION/126	Resolution adopted by the General Assembly at its 455th plenary meeting on 3 November 1953	See <i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 803 (VIII)</i> .

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DOCUMENT A/C.3/L.364 and Add.1¹

Chile, France, Mexico, Netherlands, Pakistan, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay¹: draft resolution

[Original text: English]
[28 October 1953]

The General Assembly,

Recalling that, in resolutions 631 (VII) and 633 (VII), it requested the Economic and Social Council to submit to the General Assembly at its eighth session a statement of its views and plans regarding future work in connexion with freedom of information and its recommendations concerning the development of information facilities in under-developed regions of the world,

Regretting that the Economic and Social Council was unable to give consideration at its sixteenth session to the subject of freedom of information, including the report of its Rapporteur (E/2426),

1. Requests the Economic and Social Council to give priority at its seventeenth session to discussion of freedom of information, including the report of the Rapporteur,

and to the formulation of recommendations for the consideration of the General Assembly at its ninth session;

2. Requests the Economic and Social Council, in its discussion of freedom of information, to take into account the views expressed on this subject at the eighth session of the General Assembly; and

3. Requests the Secretary-General to complete the report on a programme of concrete action for the development of information facilities in under-developed regions in the world, requested in resolution 633 (VII), in time for consideration at the seventeenth session of the Economic and Social Council.

¹ Document A/C.3/L.364/Add.1 of 29 October 1953 noted the addition of Uruguay as one of the sponsors of the draft resolution.

DOCUMENT A/C.3/L.365

Turkey: amendment to the draft resolution submitted by Chile, France, Mexico, Netherlands, Pakistan, United Kingdom and United States (A/C.3/L.364)

[Original text: French]
[28 October 1953]

1. *Second paragraph of the preamble*: Replace the word "Regretting" by the word "Noting".

2. *Paragraph 1 of the operative part*: Delete the paragraph.

3. *Paragraph 2 of the operative part*: Insert the words "at its seventeenth session" after the words "freedom of information".

DOCUMENT A/C.3/L.366

Egypt: draft resolution

[Original text: French]
[29 October 1953]

The General Assembly,

With reference to its resolution 421 C (V),

Considering that the federal system, like all other systems, is a form of government which is determined, in each State, by the national constitution and organic law,

Considering that the generally accepted rule in the matter of the signature and ratification of international conventions and treaties is that the said signature and ratification observe the constitutional processes of each country,

Considering that the concern felt in some interested federal States about the constitutional difficulties raised by treaties and conventions has greatly diminished,

Requests the Commission on Human Rights not to include provisions relating to federal States in the draft international covenants on human rights.

DOCUMENT A/C.3/L.367 and Add.1² and 2³
Egypt and Philippines³: draft resolution

[Original text: French]
 [29 October 1953]

The General Assembly,

Considering that under Articles 55 and 56 of the Charter the Members of the United Nations have pledged themselves to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desiring to advance as rapidly as possible respect for, and observance of, human rights and fundamental freedoms and to stimulate Member States to press forward towards attaining the goals set forth in the Universal Declaration of Human Rights,

Noting that the Commission on Human Rights, at its ninth session, considered three draft resolutions (E/CN.4/L.266/Rev.2, E/CN.4/L.267/Rev.1 and E/CN.4/L.268)² concerning development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and

Noting that the Economic and Social Council, in resolution 501 C (XVI), requested Member States and specialized agencies to submit their comments on the

draft resolutions and the amendments thereto to the Secretary-General in so far as possible by 1 October 1953,

Requests the Economic and Social Council to ask the Commission on Human Rights:

(a) To consider at its tenth session the three draft resolutions concerning the development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and to prepare recommendations thereon, in order that these recommendations may be considered by the Economic and Social Council at its eighteenth session; and

(b) To take account at its tenth session of the comments made by Member States and specialized agencies and of the views expressed on this subject at the eighth session of the General Assembly.

² Document A/C.3/L.367/Add.1 of 2 November 1953 called for the addition of the document symbols in the third paragraph of the preamble.

³ Document A/C.3/L.367/Add.2 of 13 November 1953 noted the addition of the Philippines as a sponsor of the draft resolution.

DOCUMENT A/C.3/L.368
Egypt: draft resolution

[Original text: French]
 [29 October 1953]

The General Assembly,

Recalling its resolution 542 (VI) of 4 February 1952 relating to communications concerning human rights,

Decides that, pending the entry into force of the covenants on human rights, the Commission on Human Rights shall:

1. Transmit to governments, for their comments, such communications received by the United Nations as, in the opinion of the Commission, contain allegations of violations of human rights serious enough to justify reference to the governments concerned;

2. Transmit to the Economic and Social Council such communications, together with the replies or comments by governments, as the Commission considers should be brought to the attention of the Council.

DOCUMENT A/C.3/L.370

Syria: amendments to the draft resolution submitted by Egypt (A/C.3/L.367)

[Original text: French]
 [2 November 1953]

Part (a) of the operative paragraph:

1. Insert after the words "to consider at its tenth session" the following phrase: "after the drafting of the two covenants on human rights and its consideration of the other important matters pending,".

2. Insert after the words "throughout the world, and"⁴ the words "if possible".

⁴ At the 528th meeting of the Third Committee the representative of Syria pointed out that the words "throughout the world, and" should be replaced by the words "and to prepare".

DOCUMENT A/C.3/L.371/Rev.1

Afghanistan, Bolivia, Burma, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay and Yemen : draft resolution

[Original text : English]
[16 November 1953]

The General Assembly,

Recalling resolution 637 C (VII) of the General Assembly and resolution 472 (XV) of the Economic and Social Council inviting the Commission on Human Rights to make recommendations concerning the international respect for the right of peoples and nations to self-determination,

Considering that the Commission on Human Rights had been unable due to lack of time to prepare such recommendations at its ninth session,

Considering the importance of the observance of and respect for the right of self-determination in the promotion of world peace and of friendly relations between peoples and nations,

1. *Requests* the Commission on Human Rights to give due priority to the preparation of such recommendations at its tenth session ;

2. *Requests* the Secretary-General to transmit to the Commission on Human Rights the summary records of the debate on the matter.

DOCUMENT A/C.3/L.372

Ecuador, Egypt, Guatemala, Philippines and Uruguay : draft resolution

[Original text : French]
[2 November 1953]

The General Assembly,

Recalling its resolutions 421 F (V) and 547 (VI),

Considering that the individual is the party primarily interested in the respect of human rights and the first to be affected by failure to respect the said rights,

Considering that the most elementary rule of justice requires that the victim be given the right to appeal either directly or through an intermediary against any injury,

Requests the Commission on Human Rights to include, in the draft international covenants on human rights, provisions recognizing the right of petition of every natural person, every duly constituted group of individuals and every non-governmental organization.

DOCUMENT A/C.3/L.372/Rev.1

Ecuador, Egypt, Guatemala, Philippines and Uruguay : revised draft resolution ⁵

[Original text : French and English]
[16 November 1953]

The General Assembly,

Recalling its resolutions 421 F (V) and 547 (VI),

Considering that the individual is the party directly interested in the respect of human rights and the first to be affected by the violation of the said rights,

Considering that justice requires that the victim be given the right to appeal either directly or through an intermediary against any violation of human rights.

Requests the Commission on Human Rights to draft provisions recognizing the right of petition of every natural person, every duly constituted group of individuals and every recognized non-governmental organization, for inclusion in the draft international covenants on human rights in accordance with the decision of the General Assembly contained in its resolution 421 F (V) and in the light of the discussions of its present session.

⁵ This revised draft resolution contains the amendments proposed by Afghanistan (A/C.3/L.390) and accepted by the sponsors.

DOCUMENT A/C.3/L.373**Brazil, Denmark, Greece, Netherlands, Norway and Sweden : draft resolution**

[Original text : English]

[2 November 1953]

The General Assembly,

Having noted that the question of the reciprocal recognition and enforcement abroad of maintenance obligations has been before the Economic and Social Council which, at its fifteenth session, decided to postpone consideration until its seventeenth session,

Being aware of the urgent need to improve the situation of members of families whose legal supporters living in another country fail to comply with their maintenance obligations,

Requests the Economic and Social Council to do its utmost to complete its work on this question in such time as to enable it to report on the results to the General Assembly at its next regular session.

DOCUMENT A/C.3/L.374**Australia : draft resolution**

[Original text : English]

[3 November 1953]

The General Assembly,

1. Requests the Economic and Social Council to call the attention of the Human Rights Commission to General Assembly resolution 421 C (V) which read as follows :

[The General Assembly]

"Calls upon the Economic and Social Council to request the Commission on Human Rights to study a federal State article and to prepare, for the consideration of the General Assembly at its sixth session, recommendations which will have as their purpose the securing of the maximum extension of the covenant to the constituent units of federal States, and the meeting of the constitutional problems of federal States ;"

2. Invites Member States, the specialized agencies and the non-governmental organizations concerned to review the discussion of a federal State article which has taken place in the General Assembly at its fifth and eighth sessions, and with this discussion in mind to include, in particular, in their observations to the Secretary-General under resolution 501 B (XVI) of the Economic and Social Council, their views concerning a federal State article, the available time for the submission of these observations being extended to 1 February 1954.

DOCUMENT A/C.3/L.375**Saudi Arabia and Syria : draft resolution**

[Original text : French]

[3 November 1953]

The General Assembly,

Recalling its resolution 635 (VII) in which it requested the Secretary-General, if a representative group of information enterprises and of national and international professional associations expressed a desire to do so, to co-operate with it in organizing an international professional conference for the purpose of preparing the final text of an international code of ethics for the use of information personnel,

Noting that replies have already been received from a large number of the information enterprises and professional associations consulted by the Secretary-General in pursuance of the aforementioned resolution,

Considering that to await replies from all the information enterprises and professional associations consulted

would unnecessarily delay the conference and the preparation of the final text of the code,

1. Invites the Secretary-General to address a further communication to the enterprises and associations which have not yet replied, requesting them to do so within a reasonable period, upon the expiry of which a conference of representatives of the enterprises and associations which have already replied and of the enterprises and associations which have replied by the aforementioned time limit shall be organized for the purpose of preparing the final text of the code and measures for its implementation ;

2. Requests the Secretary-General to bring the text of the present resolution to the notice of the information enterprises and national and international associations to which he communicated the draft code.

DOCUMENT A/C.3/L.375/Add.1**Financial implications of the draft resolution submitted by Saudi Arabia (A/C.3/L.375) : estimate submitted by the Secretary-General**

[Original text : English]
[5 November 1953]

Prior to the adoption of resolution 635 (VII) the Secretary-General submitted a statement of the financial implication thereof (document A/C.3/L.273, dated 4 November 1952). The Secretary-General stated that the costs resulting from the holding of such a conference can be absorbed within the existing establishment provided that the conference be held at Headquarters at a time when no other major conferences are taking place, that travel and subsistence costs be borne by the professional organizations themselves and that the conference would not involve additional printing costs. It must be noted, however, that as regards précis-writing, translation and typing, it is expected that the extra work entailed by the conference will add to the backlog already accumulated a number of pages which can be roughly estimated at 1,050 for the three languages. The cost of completing these 1,050 pages, if accounted for separately, would be approximately \$6,000, but no special budgetary provision would seem to be required at this time.

DOCUMENT A/C.3/L.376**Iraq : draft resolution**

[Original text : English]
[3 November 1953]

The General Assembly,

Considering that the aim of the United Nations is to promote social progress and better standards of life in larger freedom and to this end to be a centre for harmonizing the actions of nations.

Considering that the General Assembly at the present session has adopted a concerted programme of practical action in the social field (resolution 732 (VIII),

Considering the necessity for interpretation and effective implementation of this programme in the under-developed countries,

Considering that the Economic and Social Council must review the question of organization of its functional commissions in 1954,

Resolves to request the Economic and Social Council :

1. To reconsider its resolution 414 (XIII), section B.I, paragraph 18 (g), with a view to convening the Social Commission every year ; and
2. To consider the expansion of the membership of the Commission to provide improved representation of under-developed areas and various economic and cultural patterns.

DOCUMENT A/C.3/L.376/Add.1**Financial implications of the draft resolution submitted by Iraq (A/C.3/L.376) : estimate submitted by the Secretary-General**

[Original text : English]
[6 November 1953]

1. A decision by the Economic and Social Council to convene the Social Commission every year would involve extra costs. A decision to extend membership of the Social Commission beyond its existing level would also involve further costs.

2. The Social Commission met in 1953, budgetary provision for the meeting amounting to \$US10,800 for eighteen members. Under present arrangements, it would meet again in 1955, 1957, etc. Should the draft resolution be adopted by the General Assembly and should the Council act favourably upon it, additional costs would arise, presumably as from 1955.

3. The financial implications of adding new members to the Commission would relate to travel cost and the amount involved would depend of course on the number

of members added. For budget estimate purposes, the cost per Commission member is estimated at the average figure of \$US650.

4. Annual meetings of the Commission would result in increased documentation ; the amount involved, however, could be computed only when more specific data become available on the anticipated workload and duration of a meeting. In addition, budgetary provision for travel of members would be required.

5. In summary, therefore, the extra costs would first arise in 1955, and would relate in that year to the travel cost of the additional members. In 1956 and each alternate year thereafter, the extra costs would relate both to additional members and to the holding of a further session of the Commission.

DOCUMENT A/C.3/L.377

Afghanistan: amendments to the draft resolution submitted by Chile, France, Mexico, Netherlands, Pakistan, United Kingdom, United States and Uruguay (A/C.3/L.364 and Add.1)

[Original text: English]
[4 November 1953]

Preamble.

1. Replace the first paragraph by the following:

"Reaffirming the considerations and decisions of the General Assembly at its seventh session contained in resolutions 631 (VII) and 633 (VII) of 16 December 1952,"

2. Insert the following new paragraph between the first and second paragraphs:

"Reaffirming its decision to recommend that the United Nations bodies studying the problems of freedom of information should consider appropriate measures for avoiding the harm done to international understanding by the dissemination of false and distorted information,"

3. Amend the second paragraph to read as follows:

"Regretting that the Economic and Social Council was unable to give consideration at its sixteenth session to the subject of freedom of information including the draft convention on freedom of information in the light of the report of its Rapporteur (E/2426),"

4. Insert the following new paragraph after the second paragraph:

"Considering that the General Assembly has not studied the draft convention on freedom of information during the sixth, seventh and eighth sessions of the General Assembly,"

Operative part.

5. Amend paragraph 2 to read as follows:

"2. Requests the Economic and Social Council, in its discussion of freedom of information, to take into account the views expressed on this subject at the seventh and eighth sessions of the General Assembly;"

6. Add a new paragraph 3 reading as follows:

"3. Requests the Economic and Social Council to submit to the General Assembly at its next session a statement of its views and plans regarding future work in connexion with freedom of information and the problem of promoting and safeguarding freedom of information in accordance with the provisions of resolution 631 (VII) of the General Assembly; and"

Paragraph 3 of the draft resolution would then become paragraph 4.

DOCUMENT A/C.3/L.379

Report of the informal working group

[Original text: English and French]
[5 November 1953]

The representatives of Afghanistan, Chile, Egypt, France, Mexico, Netherlands, Pakistan, Turkey, the United Kingdom, the United States of America and Uruguay⁶ met informally on 5 November 1953 to consider the consolidation of the draft resolution and amendments contained in documents A/C.3/L.364 and Add.1, A/C.3/L.365 and A/C.3/L.377. The following text is submitted for the consideration of the Third Committee. It is to be noted that unanimous agreement was reached on all except the first word of the opening paragraph.

"The General Assembly,

"Reaffirming { the decisions contained in its resolutions on freedom of information
"Recalling { adopted at its seventh session,

"Regretting that the Economic and Social Council was unable to give consideration at its sixteenth session to the subject of freedom of information, including the report of its Rapporteur (E/2426),

"Noting that, at its sixteenth session, the Economic and Social Council postponed consideration of the question of freedom of information to its seventeenth session and decided, in agreement with the Rapporteur,

that the Rapporteur would present his report at the seventeenth session,

"Noting that the General Assembly has not studied the draft convention on freedom of information at its sixth, seventh and eighth sessions and that the Economic and Social Council at its sixteenth session did not consider the draft convention on freedom of information concurrently with the report of the Rapporteur,

"1. Requests the Economic and Social Council to give priority, at its seventeenth session, to discussion of freedom of information, including the report of the Rapporteur, and to the formulation, in accordance with the provisions of resolution 631 (VII) of the General Assembly, of recommendations for the consideration of the General Assembly at its ninth session;

"2. Requests the Economic and Social Council, in its discussion of freedom of information, to take into account the views expressed on this subject at the seventh and eighth sessions of the General Assembly; and

"3. Requests the Secretary-General to complete the report on a programme of concrete action for the development of information facilities in under-developed regions in the world, requested in resolution 633 (VII), in time for consideration at the seventeenth session of the Economic and Social Council."

⁶ In the provisional form of this document, Uruguay was inadvertently omitted.

DOCUMENT A/C.3/L.380

Chile, France and United Kingdom of Great Britain and Northern Ireland : amendments to the draft resolution submitted by Saudi Arabia and Syria (A/C.3/L.375)

[Original text : English]
[5 November 1953]

1. Delete the third paragraph of the preamble.
2. Replace paragraph 1 of the operative part by the following text :
 “Invites the Secretary-General to address a further communication to the enterprises and associations which have not yet replied, requesting them to do so within a reasonable period, and, provided that a representative group of enterprises and associations expresses a desire to do so, to co-operate with it in organizing an international professional conference for the purpose of preparing the final text of the code and measures for its implementation ;”.

DOCUMENT A/C.3/L.382

Netherlands : amendment to the draft resolution submitted by Iraq (A/C.3/L.376)

[Original text : English]
[9 November 1953]

Amend part 1 of the operative paragraph to read as follows :

- “1. To investigate whether there exists a need for a more frequent convening of the Social Commission and, if in the Council's judgment such a need does exist, to reconsider its resolution 414 (XIII), section B.I, paragraph 18 (g), with a view to convening the Social Commission every year ; and”.

DOCUMENT A/C.3/L.384

Peru : amendment to the draft resolution submitted by Iraq (A/C.3/L.376)

[Original text : Spanish]
[9 November 1953]

Replace parts 1 and 2 of the operative paragraph by the following text :

- “To consider, among the methods and procedures to be employed by the Social Commission, the establishment of a small number of committees of experts to deal with the technical matters which are within the Commission's competence.”

DOCUMENT A/C.3/L.385

Canada : draft resolution

[Original text : English]
[10 November 1953]

The General Assembly,

Mindful of the provisions of Article 68 of the Charter, which states that “the Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions”,

Recalling that the Economic and Social Council in its resolution 414 (XIII) of 18, 19 and 20 September 1951 decided that the Social Commission should meet biennially instead of annually,

Bearing in mind that in accordance with its resolution 414 (XIII) the Economic and Social Council must review in 1954 the question of organization of its functional commissions,

Having considered the proposals made in documents A/C.3/L.376, A/C.3/L.382 and A/C.3/L.384 with a view to the possible revision of the pattern of meetings of the Commission, as well as the expansion of its membership to provide improved representation of under-developed areas and various economic and cultural patterns,

1. Invites the Economic and Social Council, in its review of this question, to consider the proposals contained in the aforementioned documents, as well as the suggestions made in the discussion of this matter during the eighth session of the General Assembly ;

2. Requests the Secretary-General to communicate the records of the debate on this question in the General Assembly at its eighth session to the Economic and Social Council for its guidance and information.

DOCUMENT A/C.3/L.385/Rev.1**Canada : revised draft resolution ⁷**

[Original text : English]
[10 November 1953]

The General Assembly,

Mindful of the provisions of Articles 61 and 68 of the Charter,

Considering that the aim of the United Nations is to promote social progress and better standards of life in larger freedom and to this end to be a centre for harmonizing the actions of nations,

Considering that the General Assembly at the present session has adopted a concerted programme of practical action in the social field (resolution 732 (VIII)),

Recalling that the Economic and Social Council in its resolution 414 (XIII) of 18, 19 and 20 September 1951 decided that the Social Commission should meet biennially instead of annually,

Bearing in mind that in accordance with its resolution 414 (XIII) the Economic and Social Council must review in 1954 the question of organization of its functional commissions,

Having considered the draft proposals ⁸ made with a view to the possible revision of the pattern of meetings

of the Commission, as well as the expansion of its membership to provide improved representation of underdeveloped areas and various economic and cultural patterns,

1. *Invites* the Economic and Social Council, in its review of this question, to consider the aforementioned draft proposals, as well as the suggestions made in the discussion of this matter during the eighth session of the General Assembly ;

2. *Requests* the Secretary-General to communicate the records of the debate on this question in the General Assembly at its eighth session to the Economic and Social Council.

⁷ This revised draft resolution incorporates the verbal amendments proposed by the representatives of China, Egypt, Saudi Arabia, the Union of Soviet Socialist Republics and Uruguay at the 517th meeting.

⁸ Documents A/C.3/L.376, A/C.3/L.382, A/C.3/L.384 and A/C.3/L.386.

DOCUMENT A/C.3/L.386**Guatemala : amendment to the amendment submitted by Peru (A/C.3/L.384)**

[Original text : Spanish]
[10 November 1953]

Replace the words "Substitute the following text for paragraphs 1 and 2:" by the words "Add the following paragraph after paragraphs 1 and 2:".

DOCUMENT A/C.3/L.387**Afghanistan : amendments to the draft resolution submitted by Egypt (A/C.3/L.366)**

[Original text : English]
[12 November 1953]

1. Delete the fourth paragraph of the preamble.

2. Replace the operative paragraph by the following text :

"*Invites* the Commission on Human Rights to decide, in the light of the discussion by the General Assembly at its eighth session, whether or not it is necessary to include a federal clause in the covenants on human rights".

DOCUMENT A/C.3/L.388

Guatemala: amendments to the draft resolution submitted by Egypt (A/C.3/L.366)

[Original text: Spanish]
[12 November 1953]

1. Replace the last paragraph of the preamble by the following:

"Considering that the General Assembly has considered at its fifth and eighth sessions the problem of including a federal clause in the draft covenants on human rights and that it is necessary to obtain an authoritative legal opinion on the said problem,".

2. Replace the operative paragraph by the following:

"Decides to request the International Court of Justice for an opinion on the desirability or undesirability of including a federal clause in the covenants on human rights, having regard to the universal application of those rights and the constitutional problems of some federal States, and expresses the hope that the Court will be able to give its opinion before the ninth session of the General Assembly;

"Requests the Commission on Human Rights not to consider this question until the International Court has delivered the opinion requested."

DOCUMENT A/C.3/L.389

Saudi Arabia: draft resolution

[Original text: French]
[12 November 1953]

The General Assembly,

Recalling its resolution 421 C (V),

Having discussed the draft resolutions contained in documents A/C.3/L.366 and A/C.3/L.374 and the amendments contained in documents A/C.3/L.387 and A/C.3/L.388,

1. Decides to transmit these draft resolutions and amendments to the Commission on Human Rights, together with the records of the meetings of the Third Committee relating to the federal clause;

2. Requests the Secretary-General to take the necessary steps to ensure that the members of the Commission on Human Rights receive the above-mentioned documents not less than two weeks before the opening of the Commission's tenth session.

DOCUMENT A/C.3/L.390

Afghanistan: amendments to the draft resolution submitted by Ecuador, Egypt, Guatemala, Philippines and Uruguay (A/C.3/L.372)

[Original text: English]
[16 November 1953]

1. Second paragraph of the preamble:

(a) Replace the word "primarily" by the word "directly";

(b) Replace the words "failure to respect" by the words "the violation of".

2. Third paragraph of the preamble:

(a) Delete the words "the most elementary rule of";

(b) Replace the word "injury" by the words "violation of human rights".

3. Renew the operative paragraph as follows:

"Requests the Economic and Social Council to ask the Commission on Human Rights to draft provisions recognizing the right of petition of every natural person, every duly constituted group of individuals and every recognized non-governmental organization, for inclusion in the draft international covenants on human rights in accordance with the decision of the General Assembly contained in its resolution 421 F (V) and in the light of the discussions of its present session."

DOCUMENT A/2573 and Corr.1
Report of the Third Committee

[Original text: English]
[25 November 1953]

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I. INTRODUCTION

1. The General Assembly at its 435th plenary meeting on 17 September 1953, in allocating item 12 of its agenda, referred chapters IV and V of the report of the Economic and Social Council (A/2430) to the Third Committee for consideration and report.

2. At its 484th meeting held on 22 September 1953, the Committee decided to take up certain sections and paragraphs of Chapters IV and V of the report of the Council in conjunction with other items on its agenda allocated to it by the General Assembly, as follows:

Item 28: Work of the Office of the United Nations High Commissioner for Refugees, together with chapter IV, section VI, of the Council's report.

Item 62: Technical assistance in promoting and safeguarding the rights of women, together with chapter V, section XII, paragraphs 876-878.

Item 63: Technical assistance in the field of prevention of discrimination and protection of minorities, together with chapter V, section IV, paragraph 813.

Item 65: Development of political rights of women in territories where these rights are not fully enjoyed, together with chapter V, section XII, paragraph 867.

Item 66: Programme of concerted practical action in the social field of the United Nations and the specialized agencies, together with chapter IV, section I.

Item 69: Evidence of existence of forced labour, together with chapter V, section VIII.

3. Reports of the Third Committee on these items, except for item 69 which has yet to be considered, were submitted to the General Assembly in documents A/2523, A/2494, A/2495, A/2503 and A/2514, on which the General Assembly has already taken action (see resolutions 727 (VIII), 728 (VIII), 729 (VIII), 730 (VIII), 731 (VIII), and 732 (VIII)).

4. At the 484th and 502nd meetings, the Committee agreed not to consider certain sections and paragraphs of

chapters IV and V of the report of the Council which related to items allocated by the General Assembly to the Fifth and Sixth Committees and to the plenary meetings as follows:

(a) Chapter IV, section II, concerning the United Nations International Children's Emergency Fund, dealt with in plenary under item 29 (resolution 802 (VIII)).

(b) Chapter IV, section IV, paragraphs 740 and 756, concerning narcotic drugs, referred to the Fifth Committee under item 68.

(c) Chapter V, section IV, paragraph 807, concerning the Genocide Convention, dealt with by the Sixth Committee under item 67 (A/2507 and resolution 795 (VIII)).

(d) Chapter V, section IX, concerning the Slavery Convention of 25 September 1926, dealt with by the Sixth Committee under item 30 (A/2517 and resolution 794 (VIII)).

(e) Chapter V, section XII, paragraphs 864 and 865, concerning the Convention on the Political Rights of Women, dealt with by the Sixth Committee under item 64 (A/2508 and resolution 793 (VIII)).

5. At the 502nd meeting on 20 October 1953, the Committee decided to hold a general debate on the remaining parts of chapters IV and V together. The general debate took place from the 503rd to the 511th meetings held on 22 and 26 to 30 October and 2 and 3 November 1953. An indication of the subjects referred to during the debate is contained in section II below.

6. During its 511th to 529th meetings held between 3 and 20 November 1953, the Committee considered draft resolutions and amendments thereto submitted in connexion with the relevant parts of chapters IV and V of the report of the Council. A brief account of the proceedings on these is given in sections III and IV of this report.

7. Draft resolutions recommended by the Committee for adoption by the General Assembly are contained in section V of this report.

II. GENERAL DEBATE

A. Chapter IV of the report of the Economic and Social Council

8. In the general debate, emphasis was placed, as regards chapter IV, section III of the report of the Economic and Social Council (A/2430), on the equal importance of family and child welfare, community organization and development, training of professional and local personnel and strengthening of administration of social programmes. Attention was drawn to the question of recognition and enforcement abroad of maintenance obligations (see section III B below).

9. Reference was made to the work in the fields of social defence and housing and town and country planning.

10. One delegation dwelt particularly on the value of the two quadriennial reports on the world social situation and on national and international measures taken to improve social conditions throughout the world.

11. In reviewing the activities in the social field, some delegations stressed especially the needs of less developed countries. Several delegations paid a tribute to the work of UNICEF and of the Social Commission. On the other hand, some delegations proposed that the Social Commission should deal more adequately with measures to improve the social situation of the masses, paying particular attention to the social conditions in the Non-Self-Governing and Trust Territories.

12. As regards section IV of chapter IV, some delegations viewed with satisfaction the work accomplished in the past year in the control of narcotic drugs and, in particular, the achievements of the United Nations Opium Conference. Some delegations expressed the hope that the Commission on Narcotic Drugs would complete as soon as possible the text of the draft single convention, and expressed their appreciation of the fact that the problems of addiction and synthetic drugs had been taken up by the Commission.

13. Reference was also made to the question of population and, in particular, to the problem of internal migration (see section III A below).

B. Chapter V of the report of the Economic and Social Council

14. The general debate on chapter V of the Council's report concerned mainly sections I (draft international covenants on human rights and measures of implementation), II (development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and annual reports on human rights), V (the right of peoples and nations to self-determination) and VI (freedom of information).

15. Some reference was made in the course of the discussion to problems of minorities and the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the study of slavery still before the Economic and Social Council, to communications concerning human rights (see section IV C below) and to the achievements of the Commission on the Status of Women.

16. In the discussion of section I of chapter V, concerning the draft covenants, the question was raised of the need for directives from the General Assembly to the Commission on Human Rights on the federal State clause, reservations and the right of petition. Draft resolutions on the federal State clause and the right of

petition were presented; the discussion and action taken are described in section IV B below.

17. With regard to reservations, the importance of permitting ratification of the covenants by as many States as possible was pointed out by certain representatives. It was also pointed out that to allow too many reservations would weaken the force of the covenants, and certain articles should not be open to reservation.

18. Among other points commented upon was the close link between the draft covenant on civil and political rights and the draft covenant on economic, social and cultural rights. The importance of the interdependence of the rights was mentioned by certain representatives.

19. In the discussion of section II of chapter V, which concerned the draft resolutions submitted by the United States representative at the ninth session of the Commission on Human Rights (E/2447, paras. 263, 269 and 271), the general view was expressed that further study by the Commission was required. Several representatives commented that their governments had not had time to submit observations before 1 October 1953, as requested by the Economic and Social Council in its resolution 501 C (XVI) of 3 August 1953. The consideration of these proposals was considered premature by certain representatives. A draft resolution on the question was submitted (see section IV E below).

20. Reference was made to the right of peoples and nations to self-determination and to the fact that the Commission on Human Rights had not had time to consider this matter at its ninth session. A draft resolution was submitted and is described together with the discussion thereon in section IV D below.

21. Several references were made to freedom of information problems. Specific aspects touched on included the action of the Economic and Social Council in postponing consideration of the Rapporteur's report on freedom of information (E/2426) and the Secretary-General's report on the development of information facilities in under-developed regions of the world, the further development of the draft international code of ethics for information personnel, the draft convention on freedom of information, false and distorted reports and the obligations and duties of foreign correspondents.

22. The Rapporteur's report on freedom of information, the report on information facilities in under-developed countries and the draft international code of ethics later became the subject of separate discussion and specific recommendations to the General Assembly (see section IV A below).

III. CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO CHAPTER IV

A. Studies on internal migration

23. A joint draft resolution was submitted by Brazil, Indonesia, Mexico and Peru (A/C.3/L.363/Rev.1) in which the General Assembly, noting with satisfaction that the Economic and Social Council had recently, in resolution 471 D (XV), paid attention to internal migration, would invite the Council to develop a programme of studies on internal migration, especially in economically less developed countries; and would request the Secretary-General to transmit to the Council the records of the General Assembly's debate on this question for the Council's guidance and information. The draft resolution was referred to during the general debate and was considered at the 511th meeting held on 3 November 1953.

24. A number of representatives, in supporting the joint draft resolution, stressed the importance of obtaining

increased knowledge of the processes of internal migration and urbanization occurring in a number of economically under-developed countries and pointed out the many ways in which further economic development was interrelated with problems of encouraging and planning internal migration. Attention was drawn to the fact that the draft resolution stipulated that the suggested programme of studies should be drawn up within currently available resources and that, therefore, no additional financial burden would be imposed.

25. One of the representatives stated his opposition to the draft resolution on the ground that internal migration fell entirely within the domestic jurisdiction of States and thus outside the competence of the United Nations. In opposition to this view, some representatives stated that, as many of the problems related to internal migration such as economic development and full employment were already being studied by the United Nations, no objection could properly be raised to the study of internal migration. They stressed that no interference with the internal jurisdiction of States should be feared, as the draft resolution specifically stipulated that studies should only be carried out when requested by the countries concerned.

26. The joint draft resolution (A/C.3/L.363/Rev.1) was adopted by 40 votes to 5, with 5 abstentions.

27. The Third Committee therefore recommends to the General Assembly the adoption of draft resolution I contained in section V below.

B. Recognition and enforcement abroad of maintenance obligations

28. With reference to paragraphs 685 and 686 of the report of the Economic and Social Council, the Third Committee, at its 511th and 512th meetings on 3 and 4 November 1953, considered the problem of women and children abandoned by their supporters who had emigrated to another country. In this connexion a joint draft resolution (A/C.3/L.373) was submitted by Brazil, Denmark, Greece, the Netherlands, Norway and Sweden in which the General Assembly would request the Economic and Social Council to do its utmost to complete work on the question so as to enable it to report on the results to the General Assembly at its next regular session.

29. During the discussion the sponsors of the draft resolution pointed out the need for early action in considering the report and draft conventions submitted to the Council by the Committee of Experts which had been appointed by the Secretary-General and had met in August 1952 to study the question of the recognition and enforcement abroad of maintenance obligations.⁹

30. A number of representatives, while favouring the joint draft resolution in principle, wondered whether it would be wise to set an arbitrary time limit for the Council in view of the fact that many other problems before it were also urgent; if the draft resolution were transmitted to the Council unamended, that item might be given precedence over other more important items. With a view to meeting this point, the representative of Syria proposed that the operative part of the draft resolution should be replaced by a text containing a request to the Council to complete its work on the question as soon as possible.

31. The representative of China observed that the joint draft resolution would be more flexible if the words "if possible" were inserted after the word "complete" in the operative paragraph. As the sponsors of the draft

resolution accepted this amendment, the Syrian amendment was withdrawn.

32. The joint draft resolution (A/C.3/L.373), as revised, was adopted by 43 votes to none, with 6 abstentions.

33. The Third Committee therefore recommends to the General Assembly the adoption of draft resolution II contained in section V below.

C. Social Commission

34. The Committee at its 516th to 518th meetings held on 9 to 11 November 1953 considered a draft resolution (A/C.3/L.376) submitted by Iraq concerning the frequency of meetings and membership of the Social Commission.

35. Under the Iraqi draft resolution, the General Assembly would request the Economic and Social Council (1) to reconsider its resolution 414 (XIII), section B.I, paragraph 18 (g), with a view to convening the Social Commission every year; and (2) to consider the expansion of the membership of the Commission to provide improved representation of under-developed areas and various economic and cultural patterns. The sponsor of the draft resolution explained that it was intended to improve the functioning of the Commission and to interpret the work of the United Nations in the social field to Member States more frequently in order to intensify their interest.

36. Recognizing as they did the importance of the work of the Social Commission, some representatives stated that they had viewed with concern the decision of the Council that future meetings of the Commission should only be held biennially, more especially since that decision had preceded the Council's consideration of the *Preliminary Report on the World Social Situation* (E/CN.5/267/Rev.1) and the programme of concerted practical action in the social field of the United Nations and the specialized agencies (E/CN.5/291 and addenda). Despite the additional financial and practical problems involved, it seemed unsound that the Commission should not meet regularly during the formative years of its programme. It might deal alternately with broad general studies one year and with specific subjects the following year. It was further contended that, in view of the special importance attached by the United Nations to the needs of the less developed areas, it was desirable to expand the membership of the Commission to provide better representation of the varying economic and social systems in those areas. Mention was also made of the disadvantage that, under the current ruling whereby all members were elected for a three-year term, some would be able to attend only one session and in order to render valuable service to the Commission members should be given an opportunity to attend at least two further sessions.

37. While recognizing the importance of the work of the Social Commission, a number of representatives considered that, as the Council was to review the organization of its functional commissions in 1954, it might be preferable to await the Council's findings as to whether annual meetings of the Social Commission were necessary, taking into account its terms of reference, its current work programme and the additional tasks devolving upon it as a result of the decisions of the General Assembly at its eighth session.

38. An amendment (A/C.3/L.382) was therefore submitted by the Netherlands which would amend paragraph 1 of the operative part to read:

"To investigate whether there exists a need for a more frequent convening of the Social Commission and, if in the Council's judgment such a need does exist, to reconsider its resolution 414 (XIII), section B.I, para-

⁹ See documents E/2364 and E/AC.39/1.

graph 18 (g), with a view to convening the Social Commission every year; and”.

39. A number of representatives were of the opinion that the current procedure of holding biennial meetings would give both governments and the Secretariat time to make the fullest use of documents which dealt with far-reaching, complex and detailed questions—an important factor which would result in the more efficient working of the Commission. Most of the problems studied by the Commission were long-term and, despite progress in some areas, social conditions did not change to such an extent as to call for annual review by the Commission. It was also pointed out that financial considerations had to be taken into account in considering an increase in the frequency of meetings or in membership. In view, however, of the major programmes that were being undertaken by the Commission, it was suggested by one representative that the Council might consider whether the Commission should meet for a longer period every two years rather than for two weeks each year.

40. Other representatives agreed that if the Commission was to continue to meet biennially the Council might consider convening *ad hoc* committees of experts to study in the interim period technical questions in the social field. An amendment to this effect (A/C.3/L.384) to the Iraqi draft resolution (A/C.3/L.376) was submitted by Peru. In the amendment it was proposed that parts 1 and 2 of the operative paragraph should be replaced by the following text:

“To consider, among the methods and procedures to be employed by the Social Commission, the establishment of a small number of committees of experts to deal with the technical matters which are within the purview of the Commission.”

Since this amendment constituted a new proposal, Guatemala submitted a sub-amendment (A/C.3/L.386) indicating that the Peruvian proposal should be included as a third part of the operative paragraph of the Iraqi draft resolution instead of replacing the two existing parts.

41. With regard to the increase in the number of members of the Commission, attention was drawn to the fact that the Council was limited by the Charter to a membership of eighteen and that this set a maximum for membership of its functional commissions. Any expansion might induce other functional commissions to seek a similar increase in their own membership with consequent financial and other problems for the United Nations.

42. While agreeing that adequate representation of under-developed areas should be ensured, doubt was expressed whether a larger body could function as effectively as one limited to eighteen. To meet this difficulty, it was suggested that greater use might be made of the privilege of inviting representatives to attend as observers who would participate in discussions without voting.

43. A further draft resolution (A/C.3/L.385) was put forward by Canada. Its purpose was to bring all the suggestions made in the Committee before the Council without interfering with the Council's responsibility for its subsidiary organs. Under the draft resolution the General Assembly would (1) invite the Economic and Social Council, in its review of this question, to consider the proposals contained in documents A/C.3/L.376, A/C.3/L.382 and A/C.3/L.384 as well as the suggestions made in the discussion of this matter during the eighth session of the General Assembly; and (2) request the Secretary-General to communicate the records of the debate on the question in the General Assembly at its eighth session to the Economic and Social Council for its guidance and information.

44. The representative of the USSR proposed that the Canadian draft resolution should be amended to include a reference to Article 61 of the Charter in the first paragraph of the preamble, and that the words “for its guidance and information” in paragraph 2 of the operative part should be deleted. The representatives of Egypt and Uruguay suggested that, if direct reference were made to Articles 61 and 68 of the Charter in the first paragraph of the preamble of the Canadian draft resolution, it would not be necessary to quote either text.

45. The representative of India proposed that the Canadian draft resolution should be voted upon before the Iraqi draft resolution. This proposal was adopted by 30 votes to 14, with 7 abstentions. The representative of Saudi Arabia thereupon suggested that the first two paragraphs of the preamble of the Iraqi draft resolution should be introduced into the Canadian draft resolution. A further amendment was submitted by the representative of China for the inclusion of the word “draft” before the word “proposals” in the last paragraph of the preamble and paragraph 1 of the operative part of the Canadian draft resolution.

46. A revised version of the Canadian draft resolution (A/C.3/L.385/Rev.1) was later submitted to the Committee incorporating the verbal amendments proposed by the representatives of China, Egypt, Saudi Arabia, the USSR and Uruguay.

47. At the request of the representatives of Afghanistan and the Philippines, a roll-call vote was taken on the inclusion of the words “61 and” in the first paragraph of the preamble of the revised draft resolution submitted by Canada since it now included a reference to Article 61 as well as Article 68 of the Charter. The words “61 and” in the first paragraph of the preamble of the draft resolution were adopted by a roll-call vote of 29 to 17, with 5 abstentions. The voting was as follows:

In favour: Australia, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, France, Greece, India, Israel, Mexico, Norway, Pakistan, Peru, Poland, Sweden, 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.

Against: Afghanistan, Argentina, Burma, China, Guatemala, Indonesia, Iran, Iraq, Liberia, Netherlands, New Zealand, Philippines, Saudi Arabia, Syria, Turkey, Yemen, Yugoslavia.

Abstaining: Chile, Egypt, Ethiopia, Honduras, Thailand.

48. The representative of Canada accepted the proposal of the representative of the United Kingdom to amend the beginning of the second paragraph of the preamble of the draft resolution to read: “*Considering* that one of the aims of the United Nations”.

49. The draft resolution (A/C.3/L.385/Rev.1), as amended, was adopted as a whole by 45 to none, with 6 abstentions.

50. The Third Committee therefore recommends to the General Assembly the adoption of draft resolution III contained in section V below.

IV. CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO CHAPTER V

A. Freedom of information

Consideration by the Economic and Social Council of problems of freedom of information, including the report of the Rapporteur on Freedom of Information to

the Economic and Social Council and the development of information facilities in under-developed regions of the world.

51. At its 504th meeting, the Committee approved, without vote, a proposal by Saudi Arabia (A/C.3/L.362) that Mr. Salvador P. López, the Rapporteur on Freedom of Information to the Economic and Social Council, should be invited to address the Committee. Mr. López then addressed the Committee in his capacity as Rapporteur.

52. Chile, France, Mexico, the Netherlands, Pakistan, the United Kingdom, the United States of America and Uruguay submitted a draft resolution (A/C.3/L.364 and Add.1) by which the General Assembly, recalling the terms of its resolutions 631 (VII) and 633 (VII) and regretting that the Economic and Social Council had been unable to consider the subject of freedom of information at its sixteenth session, would request the Council to give priority at its seventeenth session to discussion of freedom of information, including the Rapporteur's report, and to the formulation of recommendations for the consideration of the General Assembly at its ninth session. Under the terms of the draft resolution, the General Assembly would further request the Council to take into account the views expressed on this subject at the eighth session of the General Assembly; and request the Secretary-General to complete this report on the development of information facilities in under-developed regions of the world in time for consideration at the Council's seventeenth session. The Committee discussed the above proposal during its 512th to 514th meetings, held on 4 and 5 November 1953.

53. Amendments to the joint draft resolution were submitted by Turkey (A/C.3/L.365) and Afghanistan (A/C.3/L.377). In the Turkish amendment it was proposed that the word "Regretting" should be replaced by the word "Noting" so that the General Assembly should "note" instead of "regret" that the Council had been unable to consider freedom of information at its sixteenth session and that the request to the Council to give priority to discussions on freedom of information at its seventeenth session should be deleted.

54. The Afghan amendment called for replacement of the first paragraph of the preamble of the joint draft resolution by a paragraph reaffirming the considerations and decisions contained in General Assembly resolutions 631 (VII) and 633 (VII) and for a paragraph to be added to the preamble by which the General Assembly would also reaffirm its recommendation that United Nations bodies studying freedom of information consider measures to avoid the harm done to international understanding by the dissemination of false and distorted information. In the amendment it was also proposed that the second paragraph of the preamble of the joint draft resolution be reworded to include a reference to consideration by the Council of the draft convention on freedom of information in the light of the Rapporteur's report (E/2426) and that a new paragraph be added to the preamble referring to the fact that the General Assembly had not studied the draft convention during its sixth, seventh and eighth sessions. In the amendment it was further proposed that paragraph 2 of the operative part of the joint draft resolution should be amended to include a request to the Economic and Social Council to take into account the views expressed on freedom of information at the seventh and eighth sessions of the General Assembly and that a new operative paragraph should be added requesting the Council to submit to the General Assembly at its next session a statement of its views and plans regarding future work in connexion with freedom of information and the problem of promoting and safeguarding freedom of information in accordance

with the provisions of General Assembly resolution 631 (VII).

55. In supporting the joint draft resolution and the amendments thereto, representatives referred to their anxiety that the Council give urgent priority to the Rapporteur's report on freedom of information at its next session, and that the Secretary-General complete, in time for consideration at that session, the study of concrete action for developing information media in under-developed areas of the world. Further, they stressed their hope that, on the basis of the many useful suggestions contained in the Rapporteur's report, the Council would be able to agree on new and practical measures in respect of freedom of information. Some representatives emphasized the desirability of continuing work on the draft convention on freedom of information, noting that the Rapporteur had proposed a revised text for the controversial article 2. On the other hand, some representatives maintained that, in view of the care which had to be taken not to act hastily in such a delicate matter, the Council's decision to defer consideration of the Rapporteur's report was not necessarily to be regretted, and that, in any case, the Council had decided to deal with the report at its seventeenth session.

56. The representatives of Afghanistan, Chile, Egypt, France, Mexico, the Netherlands, Pakistan, Turkey, the United Kingdom, the United States of America and Uruguay met as an informal working group on 5 November 1953 to consider the consolidation of the joint draft resolution (A/C.3/L.364 and Add.1) and the amendments submitted thereto (A/C.3/L.365 and A/C.3/L.377). Subsequently, the group submitted a text (A/C.3/L.379) for the consideration of the Committee. Its report noted that unanimous agreement had been reached on everything except the first word of the first paragraph of the preamble of the new text, by which the General Assembly would alternatively reaffirm or recall the decisions contained in its resolutions on freedom of information adopted at its seventh session. Thus the new text incorporated all the points contained in the Afghan amendment except the word "Reaffirming". The representative of Afghanistan agreed that the paragraph should begin with the word "Recalling", and the word "Reaffirming" was withdrawn.

57. The new joint draft resolution (A/C.3/L.379), as amended by the withdrawal of the word "Reaffirming" in the first paragraph of the preamble, was adopted by 42 votes to none, with 6 abstentions.

58. The Third Committee accordingly recommends to the General Assembly the adoption of draft resolution IV A contained in section V below.

Draft international code of ethics for information personnel

59. Saudi Arabia and Syria submitted a draft resolution (A/C.3/L.375) by which the General Assembly, recalling its resolution 635 (VII) concerning further work on the draft international code of ethics, would invite the Secretary-General to address a further communication to the information enterprises and national and international professional associations which had not yet replied to his previous letter concerning the organization of an international professional conference to complete work on the draft code, requesting them to do so within a reasonable period, upon the expiry of which a conference should be organized for the purpose of preparing a final text of the code and measures for its implementation.

60. The Committee had before it a statement by the Secretary-General (A/C.3/L.375/Add.1) submitted in ac-

cordance with rule 152 of the rules of procedure of the General Assembly on the financial implications of the above-mentioned draft resolution, and a memorandum by the Secretary-General (A/C.3/L.381), entitled "Replies from information enterprises and national and international professional associations received under General Assembly resolution 635 (VII)". The Committee discussed the above proposal during its 514th to 516th meetings, held on 5, 6 and 9 November 1953.

61. Chile, France and the United Kingdom submitted two amendments (A/C.3/L.380) to the draft resolution of Saudi Arabia and Syria. The first amendment, to the effect that the third paragraph of the preamble of the draft resolution should be deleted, was subsequently withdrawn. The second amendment, which suggested a new text for paragraph 1 of the operative part, was accepted by Saudi Arabia and Syria. Verbal amendments proposed by the representatives of China, Egypt and the United States were also accepted by the sponsors and a revised draft resolution (A/C.3/L.375/Rev.2) was submitted to the Committee.

62. Representatives who supported the joint draft resolution argued that a code of ethics would help to correct some of the abuses to which other representatives had drawn attention during the discussion of freedom of information problems, to promote friendly relations among peoples and to solve the vexed problem of false and distorted reports; that, while the development of the code was a matter for the profession alone, the United Nations was legitimately interested in questions of professional ethics and could properly offer encouragement and assistance in such a problem; and that, even if an improvement in the international climate was necessary before an effective code could be drafted, every effort should be made to improve the situation.

63. A number of representatives expressed doubt, however, as to whether the United Nations should interest itself any further in the draft code, maintaining that the organizations favouring a professional conference did not constitute a "representative group" within the meaning of General Assembly resolution 635 (VII), and that in any case it would be extremely difficult, under existing conditions, for any conference to reach agreement on the text of a universally acceptable code. It was further argued that it would be detrimental to the prestige of the United Nations to address another communication on the subject to enterprises and associations.

64. Some representatives, while supporting the principle of encouraging further work on the draft code, reaffirmed the position previously taken by delegations in the General Assembly and in the Economic and Social Council that the final adoption of a draft code was a matter for the information professions alone without any form of governmental interference.

65. There were various opinions as to what constituted a "representative group" of information enterprises and professional associations under the terms of General Assembly resolution 635 (VII). Some representatives maintained that those enterprises and associations which, according to the Secretary-General's memorandum (A/C.3/L.381), favoured holding a professional conference, did not constitute a representative group. One representative, on the other hand, stated that a federation, representing several units or syndicates, might itself constitute a representative group. Another representative believed that the task of defining a representative group should be left to the Secretary-General.

66. At the request of the representative of Guatemala a separate vote was taken on paragraph 1 of the operative part of the revised draft resolution (A/C.3/L.375/Rev.2). It was approved by 43 votes to 5, with 5 abstentions.

67. The revised draft resolution as a whole was adopted by 44 votes to 5, with 5 abstentions.

68. The Third Committee accordingly recommends to the General Assembly the adoption of draft resolution IV B contained in section V below.

B. Draft international covenants on human rights and measures of implementation

Federal State clause

69. Draft resolutions relating to the federal State clause were submitted by Egypt and Australia and were discussed at the 518th to 521st meetings held on 11, 12 and 13 November 1953.

70. In the draft resolution submitted by Egypt (A/C.3/L.366) it was proposed that the General Assembly should request the Commission on Human Rights not to include provisions relating to federal States in the draft international covenants on human rights.

71. Australia proposed (A/C.3/L.374) that the General Assembly should request the Economic and Social Council to draw the attention of the Commission on Human Rights to General Assembly resolution 421 C (V) calling for a study of the question of a federal State clause; and invite Member States and the specialized agencies and non-governmental organizations concerned to review the discussion of the federal State article at the fifth and eighth sessions of the General Assembly and, with this discussion in mind, to include their views on the question in their observations submitted to the Secretary-General under Economic and Social Council resolution 501 B (XVI). The available time for submission of these comments would be extended to 1 February 1954.

72. In the Committee's debate on these two proposals, views were expressed both for and against the inclusion of a federal State article in the draft covenants. It was argued on one side that the constitutional difficulties of federal States might be overcome by the use of reservations at the time of signature. It was also suggested that the federal government could secure the agreement of all its constituent units before signing the covenants. Attention was drawn to the provisions in the existing text of the draft covenant on economic, social and cultural rights providing for the progressive implementation of the rights proclaimed therein. The need for ensuring the universality of the covenants was emphasized. The point was made that inclusion of a federal State article would constitute discrimination in favour of federal States and might, on that account, discourage non-federal States from signing the covenants. The view was expressed also that the federal State article might be used by metropolitan Powers with reference to their dependent territories, and it was said that that would conflict with the article on the territorial application of the covenants which the General Assembly had adopted in resolution 422 (V) and which had been incorporated in the draft covenants.

73. Other representatives stated that omission of the federal State clause would constitute an insuperable barrier to ratification of the covenants by federal States. It was said that a majority of unitary States should not attempt to force the hand of federal States which had particular constitutional difficulties. It was also pointed out that to decide at that time against the inclusion of a federal State clause would prejudice the decision of the Commission on Human Rights on the question of reservations with which the federal clause was undoubtedly linked.

74. Many representatives were of the opinion that a decision on that important question would be premature

without further study. The view was expressed that the Commission on Human Rights, a body of experts, was the most appropriate organ to study the matter first, and that it was already seized of the problem by virtue of General Assembly resolution 421 C (V) in which it was requested to study a federal State article.

75. In an amendment proposed by Afghanistan (A/C.3/L.387) to the draft resolution submitted by Egypt the Commission on Human Rights was invited to decide, in the light of the discussion by the General Assembly at its eighth session, whether or not it was necessary to include a federal clause in the covenants. Other representatives emphasized that the General Assembly itself should decide on the inclusion of a federal State article and leave the drafting of a text to the Commission. Among the reasons given was the necessity of saving the time of the Commission, which would already have difficulty in completing its work on the draft covenants.

76. Another view was that the International Court of Justice should be consulted and in an amendment submitted by Guatemala (A/C.3/L.388) to the draft resolution of Egypt it was proposed that the International Court should be asked for an opinion on the desirability or undesirability of including a federal clause in the covenants, having regard to the universal application of those rights and the constitutional problems of some federal States. In the text proposed in the amendment the Commission on Human Rights was also requested not to consider the matter before the International Court of Justice had delivered its opinion.

77. The representative of Egypt made an oral proposal, which the representative of Saudi Arabia submitted as a formal draft resolution (A/C.3/L.389), that the General Assembly should transmit to the Commission on Human Rights the draft resolutions and amendments together with the records of the debate in the Third Committee relating to the federal State clause. The Secretary-General was also requested to take the necessary steps to ensure that the members of the Commission on Human Rights should receive the above-mentioned documents not less than two weeks before the opening of the Commission's tenth session. In view of that proposal, the representative of Afghanistan withdrew his amendments (A/C.3/L.387).

78. Some representatives expressed the view that it was not necessary to adopt a formal draft resolution since the proposal appeared to have the general agreement of the Committee. The majority, however, thought that a clear indication of the wishes of the Committee should be expressed through a draft resolution.

79. The draft resolution submitted by Saudi Arabia was adopted by 40 votes to none, with 8 abstentions.

80. The Third Committee accordingly recommends to the General Assembly the adoption of draft resolution V A contained in section V below.

Right of petition

81. Ecuador, Egypt, Guatemala, the Philippines and Uruguay presented a draft resolution (A/C.3/L.372) requesting the Commission on Human Rights to include, in the draft international covenants on human rights, provisions recognizing the right of petition of every natural person, every duly constituted group of individuals and every non-governmental organization. The proposal was revised (A/C.3/L.372/Rev.1) in the course of the discussion to take account of an oral amendment by the representative of Israel to add the word "recognized" before the words "non-governmental organizations", and of amendments by Afghanistan (A/C.3/L.390). The latter included four amendments to the preamble: to replace

the word "primarily" by the word "directly" and the words "failure to respect" by the words "the violation of" in the second paragraph, and to delete the words "the most elementary rule of" and replace the word "injury" by the words "violation of human rights" in the third paragraph. In the text suggested in the Afghan amendment for the operative paragraph it was proposed that the Commission on Human Rights should be requested to draft provisions recognizing the right of petition of every natural person, every duly constituted group of individuals and every recognized non-governmental organization, for inclusion in the draft international covenants on human rights in accordance with the decision of the General Assembly contained in resolution 421 F (V). The operative paragraph of the revised joint draft resolution (A/C.3/L.372/Rev.1) was based on that text. In the preamble, as revised, the General Assembly recalls its resolutions 421 F (V) and 545 (VI), considers that the individual is the party directly interested in the respect of human rights and the first to be affected by the violation of the rights, and considers that justice requires that the victim be given the right to appeal either directly or through an intermediary against any violation of human rights.

82. The joint draft resolution was discussed by the Committee at its 523rd and 524th meetings held on 16 November 1953. Among the arguments advanced to support it were the following: that, without the inclusion of provisions extending the right of petition to individuals, groups and non-governmental organizations, the whole value of the covenants would be in question; that General Assembly resolution 421 F (V) was the equivalent of an instruction to the Commission on Human Rights to include the right of petition in the covenants; that individuals and non-governmental organizations had, in most countries, the right to petition their national governments, and that, since the covenants attempted to place human rights under international protection, the individual should be accorded the right of international petition; that to restrict the right of petition to States would lead to an increase in international friction; that States were free to ratify or not to ratify the covenants and could not therefore claim that to grant the right of petition to individuals and organizations would constitute an infringement of domestic jurisdiction.

83. Others argued that to extend the right of petition to individuals and organizations would lead to intervention in the domestic affairs of States and would constitute a violation of Article 2, paragraph 7, of the Charter; that the principle of the sovereign equality of Member States might also be infringed, since States which had not signed the covenants would be in a position to invite individuals or non-governmental organizations to submit complaints against States which were parties to the covenants; that the position of individuals in international law had not yet been established and that it would not be wise to attempt to achieve too much at one time; that international relations were not yet so far developed that the right of petition could be granted in such general terms.

84. Some delegations were of the view that the General Assembly should postpone taking a final decision on this important question at the present session. China submitted a draft resolution (A/C.3/L.391) in which it proposed that the General Assembly should transmit the draft resolution before the Third Committee (A/C.3/L.372/Rev.1) to the Commission on Human Rights at its tenth session, together with the records of the discussion thereon in the Committee.

85. The draft resolution submitted by China was adopted by 33 votes to 3, with 10 abstentions.

86. The Third Committee accordingly recommends to the General Assembly the adoption of draft resolution V B contained in section V below.

C. Communications concerning human rights

87. A draft resolution on communications concerning human rights was submitted by Egypt (A/C.3/L.368), in which it was proposed that the General Assembly should decide that, pending the entry into force of the covenants on human rights, the Commission on Human Rights would (1) transmit to governments, for their comments, such communications received by the United Nations as, in the opinion of the Commission, contained allegations of violations of human rights serious enough to justify reference to the governments concerned; and (2) transmit to the Economic and Social Council such communications, together with the replies or comments by governments, as the Commission considered should be brought to the attention of the Council. At the suggestion of the representative of China during the discussion the representative of Egypt amended part 1 of the operative paragraph of his draft resolution to read: "Request the Secretary-General to transmit to governments...".

88. The draft resolution was discussed at the 521st and 522nd meetings of the Committee held on 13 November 1953. It was said that the current procedure for dealing with communications as laid down in Economic and Social Council resolutions 75 (V), 192 A (VIII) and 275 B (X) was very unsatisfactory and damaged the prestige of the United Nations and of the Commission on Human Rights. It was argued that the Commission's terms of reference authorized it to submit proposals, recommendations and reports on "any other matter concerning human rights" and that this would include communications. The view was expressed that it would be preferable to discontinue the practice of bringing communications to the attention of the Commission on Human Rights if the Commission were not given an opportunity of taking some further action on them than was possible under the current procedure. It was also said that, while the proposal before the Committee might not be very far-reaching, it could serve, by exerting a moral obligation on governments, to restrain them from violating human rights.

89. Representatives who opposed the draft resolution argued that it would confer on the Commission on Human Rights quasi-judicial functions which it was not competent to fulfil. It was also stated that, until the covenants were completed, there was no legal definition of human rights on which the Commission could base its judgment with regard to alleged violations. The opinion was expressed that it would be very difficult to establish criteria to decide when a violation was "serious enough" to justify reference to the governments concerned. It was said that to adopt the proposal would cause such an increase in the number of communications received that the Commission on Human Rights would be unable to deal with them, and that false hopes would be raised on the part of the authors of communications, which would be damaging to the prestige of the United Nations. It was pointed out also that the examination of alleged violations of human rights by Member States in the Economic and Social Council might lead to an increase in international tension.

90. At the request of the representative of Afghanistan, the voting on the two parts of the operative paragraph of the draft resolution was by roll-call.

91. Part 1 of the operative paragraph, as amended at the suggestion of the representative of China, was rejected by 26 votes to 11, with 12 abstentions. The voting was as follows:

In favour: Burma, Ecuador, Egypt, Guatemala, India, Indonesia, Iraq, Liberia, Saudi Arabia, Uruguay, Yemen.

Against: Argentina, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Denmark, France, Greece, Honduras, Israel, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Thailand, 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, Venezuela.

Abstaining: Afghanistan, Brazil, Chile, China, Colombia, Dominican Republic, Ethiopia, Iran, Mexico, Pakistan, Philippines, Yugoslavia.

92. As a result of this decision, the words "together with the replies or comments by governments" were deleted from part 2 of the operative paragraph. It then read:

"Transmit to the Economic and Social Council such communications as the Commission considers should be brought to the attention of the Council".

This text of part 2 of the operative paragraph was rejected by a roll-call vote of 26 to 9, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Burma, Ecuador, Egypt, Guatemala, Iran, Liberia, Uruguay, Yemen.

Against: Argentina, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Denmark, France, Greece, Honduras, Israel, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Thailand, 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, Venezuela.

Abstaining: Brazil, Chile, China, Colombia, Dominican Republic, Ethiopia, India, Indonesia, Iraq, Mexico, Pakistan, Philippines, Yugoslavia.

D. The right of peoples and nations to self-determination

93. Two similar draft resolutions on the right of peoples and nations to self-determination were presented (A/C.3/L.369 and A/C.3/L.371). The sponsors of the first draft resolution (A/C.3/L.369) withdrew their proposal in favour of the second (A/C.3/L.371), and subsequently joined with the sponsors of the latter draft resolution in submitting one proposal. This joint draft resolution (A/C.3/L.371/Rev.1) was put forward in the name of the following twenty delegations: Afghanistan, Bolivia, Burma, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay and Yemen. Under the terms of the joint draft resolution the General Assembly would request the Commission on Human Rights to give due priority at its tenth session to the preparation of recommendations concerning the right of self-determination; and request the Secretary-General to transmit to the Commission the summary records of the debate on this matter. In the preamble, reference was made to resolutions 637 C (VII) of the General Assembly and 472 (XV) of the Economic and Social Council, to the fact that the Commission had not had time to prepare recommendations at its ninth session, and to the importance of the observance and respect for the right to self-determination in the promotion of world peace and friendly relations between peoples and nations.

94. The draft resolution was discussed at the 525th to 527th meetings of the Committee held on 17 and 18 November 1953. Representatives emphasized that the exercise of the right of self-determination was a vital factor in preserving peace in the world and maintaining friendly relations between nations. It was pointed out that this right was universal, and should be enjoyed by

all peoples and all nations, and that respect for the right of self-determination was a prerequisite for the enjoyment of all other human rights. It was pointed out that the importance accorded to the question of the right of peoples and nations to self-determination was reflected in the fact that twenty delegations had joined in sponsoring before the Committee the draft resolution, which was based on resolutions adopted previously.

95. The view was expressed that some action should be taken pending the completion and coming into force of the covenants. Certain suggestions were made regarding transitional measures which might be recommended by the United Nations. Attention was drawn to the economic and social problems which arose in connexion with the right to self-determination. The view was expressed that the General Assembly should leave the Commission sufficient latitude to consider the question but impress upon it that the matter was urgent. It was explained that, in asking the Commission to give "due priority" to the preparation of recommendations, it was intended that the Commission would first complete its work on the draft covenants. It was pointed out that the transmittal of the summary records of the Third Committee's debates to the Commission on Human Rights would mean that the Commission would have certain guiding principles to assist it in its work.

96. Reference was made in the discussion to General Assembly resolution 648 (VII), which laid down certain factors to be taken into account in deciding whether a territory was or was not one whose peoples had attained a full measure of self-government. Some representatives thought a reference to these factors should be incorporated in the draft resolution.

97. Argentina proposed an amendment (A/C.3/L.393) calling for the addition of a new paragraph after the first paragraph of the preamble, to read as follows:

"*Recalling* also, with reference to the Non-Self-Governing Territories, resolution 648 (VII) and the annexed list of factors which should 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".

The amendment was criticized on the ground that it gave too much emphasis to self-government, which formed only one part of the whole question of the right of peoples to self-determination. It was also pointed out that a new list of factors had recently been approved by the Fourth Committee but had not yet been adopted in plenary meeting. The representative of Argentina subsequently withdrew his amendment because the list of factors to which it referred could not yet be considered as final since a new list had been approved by the Fourth Committee and would be considered in plenary. He agreed to a suggestion by the representative of Afghanistan that the reference to resolution 648 (VII) should be inserted in the first paragraph of the preamble and should precede the reference to resolution 637 C (VII). The representative of India suggested that a new paragraph should be added after the first paragraph of the preamble, reading:

"*Recalling* also resolution 648 (VII) of the General Assembly,"

This additional paragraph of the preamble to the draft resolution was adopted by 33 votes to 12, with 6 abstentions.

98. The draft resolution as a whole was adopted by a roll-call vote of 39 to 8, with 6 abstentions. The voting as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile,

Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Honduras, India, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Nicaragua, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, France, Netherlands, New Zealand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Canada, China, Denmark, Norway, Sweden, Thailand.

99. The Committee accordingly recommends to the General Assembly the adoption of draft resolution VI contained in section V below.

100. In explaining their votes on this resolution, the representatives who voted against the draft resolution stated that they were opposed to it because of its restrictive character, since it was directed principally to the Non-Self-Governing and Trust Territories, and that the addition of the reference to resolution 648 (VII) lent emphasis to the restrictive nature of the draft resolution. It was also said that the principle of self-determination was a political principle applicable to peoples but not a juridical right vested in individuals.

E. Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and annual reports on human rights

101. Egypt submitted a draft resolution (A/C.3/L.367 and Add.1), of which the Philippines later became a co-sponsor (A/C.3/L.367/Add.2).

102. The draft resolution, noting that the Commission on Human Rights, at its ninth session, had considered three draft resolutions (E/CN.4/L.266/Rev.2, E/CN.4/L.267/Rev.1 and E/CN.4/L.268) concerning development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and that the Economic and Social Council, in resolution 501 C (XVI), had requested Member States and specialized agencies to submit their comments on the draft resolutions and the amendments thereto to the Secretary-General in so far as possible by 1 October 1953, would request the Economic and Social Council "to ask the Commission on Human Rights: (a) to consider at its tenth session the three draft resolutions concerning the development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and to prepare recommendations thereon, in order that these recommendations may be considered by the Economic and Social Council at its eighteenth session; and (b) to take account at its tenth session of the comments made by Member States and specialized agencies and of the views expressed on this subject at the eighth session of the General Assembly".

103. To this draft resolution Syria proposed amendments (A/C.3/L.370, as orally corrected in the English text by the representative of Syria), which concerned part (a) of the operative paragraph of the joint draft resolution. They consisted in (1) inserting after the words "to consider at its tenth session" the following phrase: "after completing the drafting of the two covenants on human rights and its consideration of the other important matters pending"; and (2) inserting, after the words "and to prepare", the words "if possible".

104. The Committee discussed these proposals during its 527th to 529th meetings.

105. During the 528th meeting, the representative of Syria, accepting a suggestion of the representative of Afghanistan, orally revised point 2 of his amendments so as to propose the insertion in part (a) of the operative paragraph of the joint draft resolution, after the words "and to prepare", of the words "if possible, to supplement the provisions of the covenants on human rights, ..."

106. In the course of the debate reference was made to the comments of governments and specialized agencies furnished so far in pursuance of Economic and Social Council resolution 501 C (XVI) (E/CN.4/690 and Add. 1 to 5 and E/CN.4/691 and Add.1).

107. While some speakers discussed the details of one or other of the three draft resolutions which were before the Commission on Human Rights, debate centred principally upon their possible significance in relation to the drafting of the covenants on human rights. Some representatives felt that they were intended to constitute an alternative to the method of protecting human rights represented by the drafting of the covenants, and that their approval would represent abandonment of the latter approach. The opinion was also expressed that, while the three draft resolutions had considerable value, it was premature to promote their discussion at the current stage. The Syrian amendments were supported by some as representing a safeguard against the threat to the importance of the draft covenants, which the draft resolutions appeared to represent.

108. On the other hand, it was claimed that the two methods of protecting human rights were not mutually exclusive, and that there would be need for the programme represented by the three draft resolutions during the period between the drafting of the covenants and their coming into force. The sponsors of the joint draft resolution before the Third Committee stated that it was in no way the purpose of their text that the three draft resolutions should hinder the completion of the work on the draft covenants.

109. There was some debate as to the desirability of the priorities which the first Syrian amendment would lay down for the Commission and particularly of the words "and its consideration of the other important matters pending".

110. Some representatives supported the joint draft resolution before the Committee on the understanding that it was procedural only in its nature and did not commit delegations as to the substance of the three draft resolutions in question.

111. At the 529th meeting, the representative of Greece proposed that point 1 of the Syrian amendments should be voted on in two parts, the first vote on the words "after completing the drafting of the two covenants on human rights", and the second vote on the words "and its consideration of the other important matters pending". The Committee having approved that procedure by 25 votes to 10, with 7 abstentions, and the possibility having been conceded that point 2 of the Syrian amendments might be voted on first, the representative of Syria withdrew point 1 of his amendments.

112. Point 2 of the Syrian amendments was adopted by 27 votes to 3, with 15 abstentions.

113. The joint draft resolution, as amended, was adopted by a roll-call vote of 36 to 5, with 7 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark,

Dominican Republic, Egypt, El Salvador, France, Greece, Haiti, Honduras, Iran, Liberia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Ethiopia, India, Indonesia, Iraq, Saudi Arabia, Syria.

114. The Third Committee accordingly recommends to the General Assembly the adoption of draft resolution VII contained in section V below.

V. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

Draft resolution I

STUDIES ON INTERNAL MIGRATION

The General Assembly,

Considering the close connexion existing between internal movements of population and the economic and social progress in the economically less developed countries,

Noting with satisfaction that the Economic and Social Council, in examining the work of the Population Commission, has recently paid attention to the problems of internal migration (resolution 471 D (XV) of 14 April 1953) which have generally not been sufficiently studied,

1. *Invites* the Economic and Social Council, in cooperation with the International Labour Organisation and other interested agencies, to develop, within available resources, an appropriate programme of studies on internal migration, especially in the economically less developed countries, to be carried out at the request of the countries concerned;

2. *Requests* the Secretary-General to communicate to the Economic and Social Council, for its guidance and information, the records of the debate on this question in the General Assembly at its eighth session.

Draft resolution II

RECOGNITION AND ENFORCEMENT ABROAD OF MAINTENANCE OBLIGATIONS

The General Assembly,

Having noted that the question of the reciprocal recognition and enforcement abroad of maintenance obligations has been before the Economic and Social Council which, at its fifteenth session, decided to postpone consideration until its seventeenth session,

Being aware of the urgent need to improve the situation of members of families whose legal supporters living in another country fail to comply with their maintenance obligations,

Requests the Economic and Social Council to do its utmost to complete, if possible, its work on this question in such time as to enable it to report on the results to the General Assembly at its next regular session.

Draft resolution III

THE SOCIAL COMMISSION

The General Assembly,

Mindful of the provisions of Articles 61 and 68 of the Charter,

Considering that one of the aims of the United Nations is to promote social progress and better standards of life

in larger freedom and to this end to be a centre for harmonizing the actions of nations.

Considering that the General Assembly at its present session has adopted a concerted programme of practical action in the social field (resolution 732 (VIII)),

Recalling that the Economic and Social Council in its resolution 414 (XIII) of 18, 19 and 20 September 1951 decided that the Social Commission should meet biennially instead of annually,

Bearing in mind that, in accordance with its resolution 414 (XIII), the Economic and Social Council must review in 1954 the question of organization of its functional commissions,

Having considered the draft proposals¹⁰ made with a view to the possible revision of the pattern of meetings of the Social Commission, as well as to the expansion of its membership to provide improved representation of under-developed areas and various economic and cultural patterns,

1. *Invites* the Economic and Social Council, in its review of this question, to consider the aforementioned draft proposals, as well as the suggestions made in the discussion of this matter during the eighth session of the General Assembly;

2. *Requests* the Secretary-General to communicate to the Economic and Social Council the records of the debate on the question in the General Assembly at its eighth session.

Draft resolution IV

FREEDOM OF INFORMATION

A

The General Assembly,

Recalling the decisions contained in the resolutions on freedom of information adopted at its seventh session,

Regretting that the Economic and Social Council was unable to give consideration at its sixteenth session to the subject of freedom of information, including the report of its Rapporteur (E/2426),

Noting that, at its sixteenth session, the Economic and Social Council postponed consideration of the question of freedom of information to its seventeenth session and decided, in agreement with the Rapporteur, that the Rapporteur would present his report at the seventeenth session,

Noting that the General Assembly has not studied the draft convention on freedom of information at its sixth, seventh and eighth sessions and that the Economic and Social Council, at its sixteenth session, did not consider the draft convention on freedom of information concurrently with the report of the Rapporteur,

1. *Requests* the Economic and Social Council to give priority, at its seventeenth session, to discussion of freedom of information, including the report of the Rapporteur, and to the formulation, in accordance with the provisions of General Assembly resolution 631 (VII) of 16 December 1952, of recommendations for the consideration of the General Assembly at its ninth session;

2. *Requests* the Economic and Social Council, in its discussion of freedom of information, to take into account the views expressed on this subject at the seventh and eighth sessions of the General Assembly;

3. *Requests* the Secretary-General to complete the report on a programme of concrete action for the development of information facilities in under-developed regions in the world, requested in General Assembly resolution

¹⁰ Documents A/C.3/L.376, A/C.3/L.382, A/C.3/L.384 and A/C.3/L.386.

633 (VII), of 16 December 1952, in time for consideration at the seventeenth session of the Economic and Social Council.

B

The General Assembly,

Recalling its resolution 635 (VII) of 16 December 1952 in which it requested the Secretary-General, if a representative group of information enterprises and of national and international professional associations expressed a desire to do so, to co-operate with it in organizing an international professional conference for the purpose of preparing the final text of an international code of ethics for the use of information personnel,

Noting that replies have already been received from a number of the information enterprises and professional associations consulted by the Secretary-General in pursuance of the aforementioned resolution,

Considering that to await replies from all the information enterprises and professional associations consulted would unnecessarily delay the conference and the preparation of the final text of the code,

1. *Invites* the Secretary-General to address a further communication to the enterprises and associations which have not yet replied, requesting them to do so within a reasonable period, and, provided that a representative group of enterprises and associations expresses a desire to do so, to co-operate with the group in organizing an international professional conference for the purpose of preparing the final text of the code and measures for its implementation;

2. *Requests* the Secretary-General:

(a) To bring the text of the present resolution to the notice of the information enterprises and national and international associations to which he communicated the draft code;

(b) To report to the General Assembly at its ninth session on any progress achieved.

Draft resolution V

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION

A

The General Assembly,

Recalling its resolution 421 C (V) of 4 December 1950, *Having discussed* the draft resolutions contained in documents A/C.3/L.366 and A/C.3/L.374 and the amendment contained in document A/C.3/L.388,

1. *Decides* to transmit these draft resolutions and the amendment to the Commission on Human Rights, together with the records of the meetings of the Third Committee relating to the federal clause;

2. *Requests* the Secretary-General to take the necessary steps to ensure that the members of the Commission on Human Rights receive the above-mentioned documents not less than two weeks before the opening of the tenth session of the Commission.

B

The General Assembly,

Recalling its resolutions 421 F (V) of 4 December 1950 and 547 (VI) of 5 February 1952,

Having discussed the draft resolution contained in document A/C.3/L.372/Rev.1,

Decides to transmit the draft resolution to the Commission on Human Rights at its tenth session, together with the records of the discussion thereon in the Third Committee.

Draft resolution VI

THE RIGHT OF PEOPLES AND NATIONS TO SELF-DETERMINATION

The General Assembly,

Recalling General Assembly resolution 637 C (VII) of 16 December 1952 and Economic and Social Council resolution 472 (XV) of 1 April 1953 inviting the Commission on Human Rights to make recommendations concerning international respect for the right of peoples and nations to self-determination,

Recalling also General Assembly resolution 648 (VII) of 10 December 1952,

Considering that the Commission on Human Rights had been unable due to lack of time to prepare such recommendations at its ninth session,

Considering the importance of the observance of, and respect for, the right of self-determination in the promotion of world peace and of friendly relations between peoples and nations,

1. Requests the Commission on Human Rights to give due priority at its tenth session to the preparation of such recommendations ;

2. Requests the Secretary-General to transmit to the Commission on Human Rights the summary records of the debate of this matter.

Draft resolution VII

DEVELOPMENT OF THE WORK OF THE UNITED NATIONS FOR WIDER OBSERVANCE OF, AND RESPECT FOR, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS THROUGHOUT THE WORLD

The General Assembly,

Considering, that, under Articles 55 and 56 of the Charter, the Members of the United Nations have pledged

themselves to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desiring to advance as rapidly as possible respect for, and observance of, human rights and fundamental freedoms and to stimulate Member States to press forward towards attaining the goals set forth in the Universal Declaration of Human Rights,

Noting that the Commission on Human Rights, at its ninth session, considered three draft resolutions (E/CN.4/L.266/Rev.2, E/CN.4/L.267/Rev.1 and E/CN.4/L.268) concerning the development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world,

Noting that the Economic and Social Council, in resolution 501 C (XVI) of 3 August 1953, requested Member States and specialized agencies to submit their comments on the draft resolutions and the amendments thereto to the Secretary-General in so far as possible by 1 October 1953,

Requests the Economic and Social Council to ask the Commission on Human Rights :

(a) To consider, at its tenth session, the three draft resolutions concerning the development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and to prepare if possible, to supplement the provisions of the covenants on human rights, recommendations thereon, in order that these recommendations may be considered by the Economic and Social Council at its eighteenth session ;

(b) To take account, at its tenth session, of the comments made by Member States and specialized agencies and of the views expressed on this subject at the eighth session of the General Assembly.

DOCUMENT A/2599

Report of the Second Committee

[Original text : English]
[3 December 1953]

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, allocated to the Second Committee the item "Report of the Economic and Social Council (chapters II and III)" (A/2430).

2. With respect to its consideration of item 12, the Committee, at its 248th meeting, agreed that :

(a) Chapter III of the report of the Economic and Social Council (with the exception of part B, which is related to agenda items 27 and 61, and section VI of part A, which is related to item 60) could appropriately be discussed simultaneously with item 26, "Economic development of under-developed countries" ;

(b) When item 26 was under discussion, the members of the Committee should feel free to comment on such

sections of chapter II of the report of the Council as they felt were relevant to that item ; and finally

(c) Members of the Committee should be free to make such general statements as they might feel necessary when item 12 was taken up. (Many members of the Committee availed themselves of this opportunity.)

3. The Committee devoted four meetings (the 280th to 283rd meetings) to the general debate on item 12, in which seven delegations took part.

4. At its 283rd meeting, the Committee agreed to take note of chapters II and III of the report of the Economic and Social Council and to instruct the Rapporteur to report accordingly to the General Assembly.

DOCUMENT A/2623
Report of the Fifth Committee

[Original text: English]
[8 December 1953]

1. At its 403rd meeting, the Fifth Committee took note of chapter IX of the report of the Economic and Social Council (A/2430) dealing with the financial implications of actions taken by the Council at its fifteenth and sixteenth sessions.

2. The Committee decided, without objection, to inform the General Assembly that due account of those financial implications had been taken in connexion with the appropriations recommended by the Committee under the relevant sections of the United Nations budget for 1954.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 460th plenary meeting, on 28 November 1953, the General Assembly adopted draft resolutions I, II, III, IV, V, VI and VII submitted by the Third Committee (see pp. 20-22 of this fascicle). For the final texts see resolutions 733 (VIII), 734 (VIII), 735 (VIII), 736 (VIII), 737 (VIII), 738 (VIII) and 739 (VIII), respectively.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2404	Annual report of the Secretary-General on the work of the Organization, 1 July 1952 - 30 June 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 1
A/2428	Report of the Ad Hoc Committee on Factors (Non-Self-Governing Territories)		Ibid., Annexes, agenda item 33
A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		Ibid., Supplement No. 3.
A/2573 and Corr.1	Report of the Third Committee	11	
A/2599	Report of the Second Committee	22	
A/2623	Report of the Fifth Committee	23	
A/C.2/L.219	Draft report of the Second Committee		Replaced by A/2599
A/C.3/L.362	Saudi Arabia: draft resolution		Incorporated in the record of the 504th meeting of the Third Committee, para. 1.
A/C.3/L.363/Rev.1	Brazil, Indonesia, Mexico and Peru: revised draft resolution		For the text see A/2573, draft resolution I
A/C.3/L.364 and Add.1	Chile, France, Mexico, Netherlands, Pakistan, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution	2	
A/C.3/L.365	Turkey: amendment to the draft resolution submitted by Chile, France, Mexico, Netherlands, Pakistan, United Kingdom and United States (A/C.3/L.364)	2	
A/C.3/L.366	Egypt: draft resolution	2	
A/C.3/L.367 and Add.1 and 2	Egypt and Philippines: draft resolution	3	
A/C.3/L.368	Egypt: draft resolution	3	
A/C.3/L.369	Bolivia, Costa Rica, Guatemala, Mexico and Uruguay: draft resolution		Mimeographed document only
A/C.3/L.370	Syria: amendments to the draft resolution submitted by Egypt (A/C.3/L.367)	3	
A/C.3/L.371	Afghanistan, Burma, Cuba, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria and Yemen: draft resolution		Mimeographed document only
A/C.3/L.371/Rev.1	Arghanistan, Bolivia, Burma, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay and Yemen: draft resolution	4	

Document No.	Title	Page	Observations and references
A/C.3/L.372	Ecuador, Egypt, Guatemala, Philippines and Uruguay: draft resolution	4	
A/C.3/L.372/Rev.1	Ecuador, Egypt, Guatemala, Philippines and Uruguay: revised draft resolution	4	
A/C.3/L.373	Brazil, Denmark, Greece, Netherlands, Norway and Sweden: draft resolution	5	
A/C.3/L.374	Australia: draft resolution	5	
A/C.3/L.375	Saudi Arabia and Syria: draft resolution	5	
A/C.3/L.375/Add.1	Financial implications of the draft resolution submitted by Saudi Arabia and Syria (A/C.3/L.375): estimate submitted by the Secretary-General	6	
A/C.3/L.375/Rev.2	Saudi Arabia and Syria: revised draft resolution		For the text see A/2573, draft resolution IV B
A/C.3/L.376	Iraq: draft resolution	6	
A/C.3/L.376/Add.1	Financial implications of the draft resolution submitted by Iraq (A/C.3/L.376): estimate submitted by the Secretary-General.	6	
A/C.3/L.377	Afghanistan: amendments to the draft resolution submitted by Chile, France, Mexico, Netherlands, Pakistan, United Kingdom, United States and Uruguay (A/C.3/L.364 and Add.1)	7	
A/C.3/L.379	Report of the informal working group	7	
A/C.3/L.380	Chile, France and United Kingdom of Great Britain and Northern Ireland: amendments to the draft resolution submitted by Saudi Arabia and Syria (A/C.3/L.375)	8	
A/C.3/L.381	Draft international code of ethics: replies from information enterprises and national and international professional associations received under General Assembly resolution 635 (VII): memorandum by the Secretary-General		Mimeographed document only
A/C.3/L.382	Netherlands: amendment to the draft resolution submitted by Iraq (A/C.3/L.376)	8	
A/C.3/L.384	Peru: amendment to the draft resolution submitted by Iraq (A/C.3/L.376)	8	
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A/C.3/L.386	Guatemala: amendment to the amendment submitted by Peru (A/C.3/L.384)	9	
A/C.3/L.387	Afghanistan: amendments to the draft resolution submitted by Egypt (A/C.3/L.366)	9	
A/C.3/L.388	Guatemala: amendments to the draft resolution submitted by Egypt (A/C.3/L.366)	10	
A/C.3/L.389	Saudi Arabia: draft resolution	10	
A/C.3/L.390	Afghanistan: amendments to the draft resolution submitted by Ecuador, Egypt, Guatemala, Philippines and Uruguay (A/C.3/L.372)	10	
A/C.3/L.391	China: draft resolution		For the text see A/2573, draft resolution V B
A/C.3/L.393	Argentina: amendment to the draft resolution submitted by Afghanistan, Bolivia, Burma, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay and Yemen (A/C.3/L.371/Rev.1)		For the text see A/2573, para. 97
A/RESOLUTION/153	Studies on internal migration: resolution adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Official Records of the General Assembly, Eighth Session, Resolutions, resolution 733 (VIII)
A/RESOLUTION/154	Recognition and enforcement abroad of maintenance obligations: resolution adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Ibid., resolution 734 (VIII)
A/RESOLUTION/155	The Social Commission: resolution adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Ibid., resolution 735 (VIII)
A/RESOLUTION/156	Freedom of information: resolutions adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Ibid., resolution 736 (VIII)
A/RESOLUTION/157	Draft international covenants on human rights and measures of implementation: resolutions adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Ibid., resolution 737 (VIII)
A/RESOLUTION/158	The right of peoples and nations to self-determination: resolution adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Ibid., resolution 738 (VIII)
A/RESOLUTION/159	Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world: resolution adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Ibid., resolution 739 (VIII)

Document No.	Title	Page	Observations and references
E/2357	Slavery, the slave trade, and other forms of servitude: report of the Secretary-General		Mimeographed document only
E/2431	Report of the <i>Ad Hoc</i> Committee on Forced Labour		<i>Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 13.</i>
E/2437 (E/CN.5/297)	Social Commission: report of the ninth session (4-20 May 1953)		<i>Ibid., Supplement No. 7</i>
E/2447 (E/CN.4/689)	Report of the ninth session of the Commission on Human Rights (Geneva, 7 April to 30 May 1953)		<i>Ibid., Supplement No. 8</i>
E/AC.39/1	Report of the Committee of Experts on the recognition and enforcement abroad of maintenance obligations		Mimeographed document only
E/C.2/360	Report of the Commission on the Statute of Women: nationality of married women: statement submitted by the International Council of Women, a non-governmental organization in category B consultative status		Ditto
E/CN.4/690	Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and annual reports on human rights: comments of Member States received by the Secretary-General under Economic and Social Council resolution 501 C (XVI)		Ditto
E/CN.4/L.266/Rev.2	United States of America: revised draft resolution on annual reports		<i>Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 8, para. 263</i>
E/CN.4/L.267/Rev.1	United States of America: revised draft resolution on advisory services		<i>Ibid., para. 271</i>
E/CN.4/L.268	United States of America: draft resolution on specific aspects of human rights		<i>Ibid., para. 269</i>
E/CN.4/L.304/Rev.1	France: revised amendments to the revised draft resolution submitted by the United States on annual reports (E/CN.4/L.266/Rev.2)		<i>Ibid., para. 265</i>
E/CN.4/NGO/48	Observations relating to measures of implementation, the right of petition, and the nationality of married women in the draft covenants on human rights: statement submitted by the International Federation of Business and Professional Women, a non-governmental organization having consultative status in category B		Mimeographed document only
E/CN.5/SR.171	Summary record of the 171st meeting of the Social Commission, held at Geneva on Friday, 6 April 1951		Ditto
E/CN.6/NGO/13	Participation of women in the work of the United Nations: statement submitted by the International Federation of University Women, a non-governmental organization in category B consultative status		Ditto



GENERAL ASSEMBLY

Official Records



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ANNEXES EIGHTH SESSION

JUN 22 1954 HEADQUARTERS, NEW YORK, 1953

Agenda item 13: Report of the Trusteeship Council

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DOCUMENT A/C.4/L.271

Requests for oral hearings—United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[25 September 1953]

The Fourth Committee,

Decides to establish a sub-committee consisting of eight members, of whom four shall be members of the Trusteeship Council, two administering and two non-administering, to make recommendations regarding the procedure to be followed by the Fourth Committee in considering applications for hearings from petitioners in respect of the affairs of Trust Territories, including the considerations to be taken into account by the Fourth Committee in reaching decisions on individual cases.

DOCUMENT A/C.4/L.271/Rev.1

Requests for oral hearings—United Kingdom of Great Britain and Northern Ireland: revised draft resolution

[Original text: English]
[29 September 1953]*The Fourth Committee,*

1. *Decides* to establish a sub-committee consisting of eight members to make recommendations regarding the procedure to be followed by the Fourth Committee in considering applications for hearings from petitioners in respect of the affairs of Trust Territories, including the considerations to be taken into account by the Fourth Committee in reaching decisions on individual cases;

2. *Invites* this sub-committee to submit its report within fourteen days of the appointment of its members.

DOCUMENT A/C.4/L.319

Revision of the Questionnaire—Burma, El Salvador, Guatemala, Haiti, India, Lebanon, Liberia, Mexico, Saudi Arabia, Syria and Uruguay: draft resolution

[Original text: French]
[1 December 1953]*The General Assembly,*

Noting that the Trusteeship Council has adopted the revised Questionnaire (T/1010),

Considering that under Article 88 of the Charter the Administering Authorities shall make an annual report to the General Assembly, upon the basis of a questionnaire formulated by the Trusteeship Council, on the political, economic, social and educational advancement of the inhabitants of each Trust Territory;

Considering that in approving the Provisional Questionnaire the Trusteeship Council emphasized that it would be adapted, if necessary, to specific Trust Territories,¹

Considering that the revised Questionnaire is not applicable in its entirety to all Trust Territories,

Invites the Trusteeship Council to undertake the preparation of separate questionnaires adapted to the particular circumstances of each Trust Territory.

¹ See T/44, page 3, note.

DOCUMENT A/C.4/L.323

Attainment of independence by the Trust Territory of Somaliland under Italian administration by 1960—Egypt, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Philippines and Syria: draft resolution

[Original text: Spanish/English]
[2 December 1953]*The General Assembly,*

Taking into consideration the fact that, under General Assembly resolution 289 A (IV), adopted on 21 November 1949, the Trust Territory of Somaliland under Italian administration is to attain complete independence in 1960.

Mindful that it is necessary for that purpose that the people of Somaliland shall be prepared for self-government,

Considering that it is the duty of both the United Nations and the Administering Authority to take the necessary measures for the implementation of that decision,

Noting with appreciation the efforts made by the Administering Authority in Somaliland to fulfil the obligations laid down in the Charter and the Trusteeship Agreement,

1. *Recommends* that the Administering Authority should take the necessary steps to prepare the Somali people continuously and progressively for the attainment of complete independence, and that to that end:

(a) An organ with full legislative powers should be established, and its members should be elected by the people on the basis of universal adult suffrage;

(b) Somaliland should be granted administrative autonomy as a necessary preliminary to its assumption of independence;

(c) A general economic plan for the Territory should be completed without delay on the basis of the recommendations of the United Nations Technical Assistance Mission to the Trust Territory of Somaliland under Italian administration, particular attention being paid to methods for developing basic economic resources such as agriculture and stock-breeding, and to possibilities for improving and expanding existing industries ;

(d) The territorial budget should be balanced as soon as possible, military and police expenditure being reduced with that end in view to the indispensable minimum ;

(e) Use of technical assistance facilities provided by the United Nations and the specialized agencies to assist in economic development and the improvement of social and educational conditions in the Territory should be encouraged ; and

(f) Efforts to raise the standard of living of the people, particularly in the social, health and educational fields, should be intensified, and to that end the working con-

ditions of the indigenous inhabitants should be improved ; just and equitable labour legislation should be enacted ; workers should receive advice and assistance in the organization of free trade unions ; the number and quality of public elementary and secondary schools should be increased ; training for indigenous teachers should be expedited ; a mass education programme should be instituted ; attention should be devoted to vocational training, particularly in agricultural and veterinary science ; and facilities for further studies should be expanded by granting an adequate number of scholarships to enable Somalis to take advanced training courses abroad ;

2. *Recommends* also to the Governments of Italy and Ethiopia that they should intensify their efforts to achieve a final, just, equitable and friendly settlement of the question of the frontier between the State of Ethiopia and the Trust Territory of Somaliland in order that this problem may be finally settled before the date appointed for the attainment of independence by Somaliland.

DOCUMENT A/C.4/L.325

Belgium : amendments to the draft resolution submitted by Burma, El Salvador, Guatemala, Haiti, India, Lebanon, Liberia, Mexico, Saudi Arabia, Syria and Uruguay (A/C.3/L.319)

[Original text : French]
[2 December 1953]

1. Insert the following new paragraph after the preamble :

"1. *Instructs* a sub-committee consisting of representatives of El Salvador, Haiti, India and Syria to examine the Questionnaire formulated by the Trusteeship Council, to study such changes as may be necessary to adapt it to the special conditions of each Territory, and to submit its conclusions to the fourteenth session of the Trusteeship Council ;"

2. Insert, after the words "to undertake" in the paragraph of the operative part, which becomes paragraph 2, the words : "on the basis of the work of the sub-committee established under the preceding paragraph".

DOCUMENT A/2608

Report of the Fourth Committee

[Original text : English]
[6 December 1953]

1. The General Assembly, at its 435th plenary meeting, on 17 September 1953, referred to the Fourth Committee item 13 of its agenda, namely, the report of the Trusteeship Council covering the period from 4 December 1952 to 21 July 1953 (A/2427).

2. At its 454th plenary meeting, the General Assembly also referred to the Fourth Committee, for further consideration, an amendment proposed in the Third Committee by Syria concerning item 65, development of political rights of women in territories where these rights are not fully enjoyed (A/C.4/246). At the 387th meeting of the Fourth Committee, however, Syria withdrew its proposal.

3. At its 377th meeting, the Committee acceded to the request of the Italian Permanent Observer to the United Nations, as representative of the Administering Authority for Somaliland under Italian administration, to be allowed to participate in the Committee's work during its examination of the report of the Trusteeship Council.

4. At the 377th meeting, the President of the Trusteeship Council, Mr. L. K. Munro (New Zealand), introduced the Council's report. A general debate on the report then followed, which was concluded at the 386th meeting.

5. Nine draft resolutions and a number of amendments thereto were submitted to the Committee and were considered from the 387th to the 394th meetings. They concerned the following matters :

A. Revision of the Questionnaire ;

B. Attainment by the Trust Territories of the objective of self-government or independence ;

C. Educational advancement in Trust Territories : offers by Member States of study and training facilities ;

D. Dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories ;

E. Attainment of independence by the Trust Territory of Somaliland under Italian administration by 1960 ;

F. Means towards improving the functioning of the International Trusteeship System ;

G. Report of the Trusteeship Council ;

H. Petition from the Ngoa-Ekéle Community, Cameroons under French administration, concerning adjustment of their land complaint ;

I. Hearing of petitioners from the Trust Territory of the Cameroons under French administration.

6. A detailed account of the consideration by the Committee of the various proposals before it is given in sections A to I below.

7. The Committee adopted nine draft resolutions the texts of which are reproduced as draft resolutions A to I in paragraph 52 of the present report.

A. REVISION OF THE QUESTIONNAIRE

8. At the 387th meeting, Burma, El Salvador, Guatemala, Haiti, India, Lebanon, Liberia, Mexico, Saudi Arabia, Syria and Uruguay resubmitted as document A/C.4/L.319 a draft resolution which had originally been submitted at the seventh session of the General Assembly by El Salvador, Guatemala, Haiti, Lebanon, Saudi Arabia and Syria (A/C.4/L.253), but which the Fourth Committee at its 299th meeting, during the seventh session, had decided to postpone for consideration until a later session. Under that draft resolution the General Assembly would invite the Trusteeship Council to undertake preparation of separate questionnaires adapted to the particular circumstances of each Trust Territory.

9. At the 388th meeting, Belgium submitted two amendments (A/C.4/L.325) to the draft resolution, the first of which was revised at the 390th meeting (A/C.4/L.325/Rev.1). The first amendment, as revised, was to add a new paragraph 1 after the preamble in which the General Assembly would : instruct a sub-committee, consisting of representatives of El Salvador, Haiti, India and Syria, to examine the Questionnaire formulated by the Trusteeship Council to study such changes as might be necessary to adapt it to the special conditions of each Territory, and to submit its conclusions to the Trusteeship Council. The second amendment was to insert after the words "to undertake" in the operative paragraph of the draft resolution, which would become operative paragraph 2, the words "on the basis of the work of the sub-committee established under the preceding paragraph".

10. The draft resolution and the amendments proposed thereto were voted upon at the 392nd meeting of the Committee as follows :

11. The Belgian amendments were adopted by a roll-call vote of 32 to 3, with 17 abstentions, as follows :

In favour : Argentina, Australia, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, France, Greece, India, Israel, Netherlands, New Zealand, Norway, Pakistan, Peru, Poland, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yemen, Yugoslavia.

Against : Burma, Haiti, Indonesia.

Abstaining : Afghanistan, Egypt, El Salvador, Guatemala, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Philippines, Saudi Arabia, Syria, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

The draft resolution, as amended, was adopted by 43 votes to 4, with 5 abstentions.

12. The text adopted is set out as draft resolution A in paragraph 52 of the present report.

B. ATTAINMENT BY THE TRUST TERRITORIES OF THE OBJECTIVE OF SELF-GOVERNMENT OR INDEPENDENCE

13. At the 387th meeting, Egypt, Guatemala, Haiti, India, Indonesia, Iraq, Lebanon, the Philippines, Yemen and Yugoslavia submitted a draft resolution (A/C.4/L.320) in which the General Assembly, having recalled its resolution 558 (VI) of 18 January 1952 by which it invited the Administering Authority of each Trust Territory other than Somaliland under Italian administration to include in each annual report information concerning the measures taken or contemplated towards self-government or independence and, *inter alia*, the estimated period of time required for such measures and for the attainment of the ultimate objective, would : (1) reaffirm the said resolution ; (2) commend to the Administering Authorities of the other Trust Territories the example provided by the Administering Authority of Western Samoa in inviting the inhabitants themselves in 1954 to formulate proposals for the establishment of a self-governing State ; (3) request the Trusteeship Council to include in its next and succeeding reports to the General Assembly a separate section dealing with the implementation of resolution 558 (VI) and the present resolution, specifying in particular the measures taken in respect of (a) consultation with the inhabitants of each Trust Territory in regard to the measures taken or contemplated towards self-government ; (b) the development in each Trust Territory of representative, executive and legislative organs and the extension of their powers ; (c) the development in each Trust Territory of universal adult suffrage and direct elections ; (d) the training and appointment of indigenous persons in each Trust Territory for positions of responsibility in the administration ; and (e) the development of adequate public revenue ; and stating in each case its conclusions and recommendations in the light of resolution 558 (VI) and the present resolution.

14. The Committee voted upon that resolution at its 392nd meeting as follows :

The first two paragraphs of the preamble were adopted by 39 votes to none, with 12 abstentions.

The third paragraph of the preamble was adopted by 28 votes to 10, with 14 abstentions.

The fourth paragraph of the preamble was adopted by 40 votes to none, with 11 abstentions.

Paragraph 1 of the operative part was adopted by 39 votes to 8, with 4 abstentions.

Paragraph 2 of the operative part was adopted by 32 votes to 2, with 16 abstentions.

Paragraph 3 of the operative part was adopted by 35 votes to 7, with 10 abstentions.

The draft resolution as a whole was adopted by 35 votes to 9, with 7 abstentions.

15. The text adopted is set out as draft resolution B in paragraph 52 of the present report.

C. EDUCATIONAL ADVANCEMENT IN TRUST TERRITORIES : OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES

16. At the 387th meeting, Egypt, India, Indonesia, Lebanon and Yugoslavia submitted a draft resolution (A/C.4/L.321) operative paragraph 6 of which was subsequently revised.² In the revised text (A/C.4/L.321/Rev.1), the General Assembly, referring to the results to date of the project of fellowships, scholarships and internships for students from Trust Territories under General Assembly resolution 557 (VI) would : (1) endorse

² The original paragraph 6, as it appeared in A/C.4/L.321, read as follows :

"6. Requests the Trusteeship Council to amend its procedure for the administration of the project in order to permit candidates to apply directly through the Secretary-General as well as through the territorial authorities."

the tribute paid by the Trusteeship Council to the generosity of those Member States which had offered facilities and express the hope that additional offers would be forthcoming; (2) express regret that, in the absence of a sufficient number of qualified candidates, only a small proportion of the fellowships and scholarships offered had been utilized; (3) invite Member States, in renewing or initiating offers of facilities, to take into account the special needs of the Trust Territories arising from their generally low levels of education, and to contemplate the provision of facilities not only for university study but also for post-primary and technical education and training of kinds which might most effectively further the political, economic, social and educational advancement of the Territories; (4) invite Member States offering facilities, in cases where the languages of instruction differed from the languages of the Trust Territories, to consider the possibility of extending the duration of the facilities offered by a preliminary period of language training and other adjustment to the country of study or training; (5) recommend that all Administering Authorities which had not done so should give the fullest publicity in the Trust Territories under their administration to all offers of study and training facilities and take such other measures as would ensure that the greatest possible advantage was taken of the offers; (6) request the Trusteeship Council to undertake such amendment of its procedure for the administration of the project as might be necessary to permit applications to be made through the Secretary-General as well as through the territorial authorities, it being understood that upon receipt of any such applications the Secretary-General would transmit them simultaneously to the Administering Authorities and the offering States concerned; and (7) request the Secretary-General to include in United Nations information material prepared for dissemination in the Trust Territories details of all such offers and of the procedure to be followed in submitting applications.

17. At the 389th meeting, Syria joined in the sponsorship of the draft resolution (A/C.4/L.321/Add.1).

18. The voting on the revised draft resolution, which took place at the 392nd meeting, was as follows:

The second paragraph of the preamble was adopted by 49 votes to none, with 3 abstentions.

Paragraph 2 of the operative part was adopted by 36 votes to none, with 16 abstentions.

Paragraph 6 of the operative part was adopted by 43 votes to 2, with 7 abstentions.

The operative part as a whole was adopted by 47 votes to none, with 5 abstentions.

The draft resolution as a whole was adopted by 48 votes to 1, with 3 abstentions.

19. The text adopted is set out as draft resolution C in paragraph 52 of the present report.

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

20. At the 387th meeting, the Dominican Republic submitted a draft resolution (A/C.4/L.322) in which the General Assembly would (1) express the opinion that the existing arrangements for the dissemination of information on the United Nations in the Trust Territories were, in general, inadequate and of limited effectiveness; (2) invite the Administering Authorities to furnish the Secretary-General, in accordance with Trusteeship Council resolution 36 (III), with suggestions as to the appropriate channels through which information on the United Nations and on the International Trusteeship System might be communicated to the general public in the Trust Territories (e.g., Press, radio, non-governmental organiza-

tions, trade unions, libraries, cultural, educational and religious institutions, teachers, missionaries, etc.); (3) request the Secretary-General to initiate at the earliest possible date, on the basis of the suggestions furnished by the Administering Authorities and his own knowledge of appropriate information channels, a direct flow of information material addressed to the general public in the Trust Territories; (4) request the Secretary-General to include in his periodic reports on this matter to the Trusteeship Council lists of the channels of dissemination which he had established in pursuance of this resolution.

21. At the 391st meeting, the representative of Yugoslavia proposed an oral amendment to the draft resolution by which the word "and" in operative paragraph 3 would be replaced by the word "or" and the words "or by making use of both of these sources together," would be inserted between the words "appropriate information channels" and the words "a direct flow".

22. At its 392nd meeting, the Committee voted on the draft resolution and the oral amendment as follows:

The amendment proposed by Yugoslavia was adopted by 29 votes to 16, with 6 abstentions.

The draft resolution as a whole, as amended, was adopted by 43 votes to none, with 8 abstentions.

23. The text adopted is set out as draft resolution D in paragraph 52 of the present report.

E. ATTAINMENT OF INDEPENDENCE BY THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION BY 1960

24. Two requests for oral hearings from organizations in Somaliland under Italian administration were received by the Committee. The first was from the Somali Youth League (A/C.4/234), the second from representatives of seven political parties in the Trust Territory (A/C.4/244).

25. At its 319th meeting, the Committee decided, by 39 votes to 4, with 11 abstentions, to grant the request of the Somali Youth League. At its 349th meeting, it granted that of the seven political organizations. By a telegram dated 21 November 1953, however, the latter organizations informed the Committee that they would not send a representative to give an oral presentation, but would submit a written memorandum instead. Following the receipt of this memorandum, the Committee decided, at its 385th meeting, that it should be circulated as a document (A/C.4/L.256).

26. At the 377th meeting, Mr. Abdullahi Issa, representative of the Somali Youth League, made a statement to the Committee (A/C.4/253); at the same meeting, and at the 378th and 379th meetings, he answered questions put to him by members of the Committee.

27. At the 378th meeting, Egypt, Guatemala, Haiti, Indonesia, Iraq, Lebanon, the Philippines and Syria submitted a draft resolution (A/C.4/L.323) the text of which was subsequently revised (A/C.4/L.323/Rev.1), and the sponsors of which were joined by Burma. According to the revised text, the General Assembly would (1) note with appreciation the efforts made by the Administering Authority in Somaliland to fulfil the obligations laid down in the Charter and the Trusteeship Agreement; (2) recommend that the Administering Authority, in consultation with the Advisory Council, should continue to take the necessary steps to prepare the Somali people progressively for the attainment of complete independence, and to that end; (a) the Territorial Council should be granted the powers of a legislative organ and its members should be elected by the people on the basis of universal adult suffrage; (b) the administration of Somaliland should be progressively transferred to the indigenous inhabitants as a necessary preliminary to its

assumption of independence ; (c) a general economic plan for the Territory should be completed without delay, taking into account the recommendations of the United Nations Technical Assistance Mission to the Trust Territory of Somaliland under Italian administration, particular attention being paid to methods for developing basic economic resources such as agriculture and stock-breeding, and to possibilities for improving and expanding existing industries ; (d) efforts should be made to increase the revenue in order to balance the budget, as soon as possible, and to that effect expenditures for military and police forces should be reduced to the indispensable minimum ; (e) use of technical assistance facilities provided by the United Nations and the specialized agencies to assist in economic development and the improvement of social and educational conditions in the Territory should be encouraged ; and (f) efforts should be intensified to increase the number and improve the quality of public elementary and secondary schools ; training for indigenous teachers should be expedited ; a mass education programme should be instituted ; attention should be devoted to vocational training, particularly in agricultural and veterinary science ; and facilities for further studies should be expanded by granting an adequate number of scholarships to enable Somalis to take advanced training courses abroad ; (3) recommend also to the Governments of Italy and Ethiopia that they should intensify their efforts to achieve a final, just, equitable and friendly settlement of the question of the frontier between the State of Ethiopia and the Trust Territory of Somaliland in order that this problem might be finally settled before the date appointed for the attainment of independence by Somaliland.

28. At the 391st meeting, Pakistan and Saudi Arabia submitted an amendment (A/C.4/L.328) to the draft resolution, which was revised at the 392nd meeting (A/C.4/L.328/Rev.1). At the same meeting, the representatives of Venezuela and the United Kingdom proposed orally changes which were accepted by the sponsors of the revised amendment. According to this amendment, a new sub-paragraph (g) would be added to operative paragraph 2, to the effect that review should be continued of all special legislation relating to Somaliland which had been enacted prior to the trusteeship administration and which was still in effect, with a view to revising legislation found to be inconsistent with the letter or the spirit of the Trusteeship Agreement.

29. At the 392nd meeting, Brazil submitted an amendment (A/C.4/L.329) to the draft resolution, according to which a new paragraph 4 would be added at the end of the operative part, requesting the Advisory Council for Somaliland, in its annual report, to give precise information on the implementation of the resolution, together with its observations, comments or suggestions as to the means of carrying out the recommendations contained in it.

30. Both of these amendments were accepted by the sponsors of the draft resolution.

31. The voting on the draft resolution, as amended, which took place at the 392nd meeting, was as follows :

Paragraph 1 of the operative part was adopted by 41 votes to 5, with 3 abstentions.

Sub-paragraph (g) of paragraph 2 of the operative part was adopted by 33 votes to 2, with 15 abstentions.

Paragraph 3 of the operative part was adopted by 38 votes to 1, with 12 abstentions.

Paragraph 4 of the operative part was adopted by 30 votes to 8, with 11 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 38 to 1, with 12 abstentions, as follows :

In favour : Afghanistan, Argentina, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : Belgium.

Abstaining : Australia, Canada, Colombia, Denmark, France, Greece, New Zealand, Norway, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

32. The text adopted is set out as draft resolution E in paragraph 52 of the present report.

F. MEANS TOWARD IMPROVING THE FUNCTIONING OF THE INTERNATIONAL TRUSTEESHIP SYSTEM

33. At the 388th meeting, Afghanistan, Brazil, Pakistan and Saudi Arabia submitted a draft resolution (A/C.4/L.324) in which the General Assembly would recommend that the Trusteeship Council should undertake a study of ways and means of improving the functioning of the International Trusteeship System and particularly of the possibility and desirability of designating one or more United Nations representatives for the Trust Territories for an initial period of two years. The draft resolution set forth certain specific means, including liaison and good offices, by which such a representative or representatives might effectively function.

34. At its 392nd meeting the Committee adopted the draft resolution by a roll-call vote of 28 to 11, with 13 abstentions, as follows :

In favour : Afghanistan, Argentina, Brazil, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, Iran, Iraq, Lebanon, Liberia, Mexico, Netherlands, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, Cuba, France, Israel, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Burma, Chile, China, Colombia, Denmark, Dominican Republic, El Salvador, Ethiopia, Greece, India, Indonesia, Nicaragua, Norway.

35. The text adopted is set out as draft resolution F in paragraph 52 of the present report.

G. REPORT OF THE TRUSTEESHIP COUNCIL

36. At the 389th meeting, Denmark submitted a draft resolution (A/C.4/L.326) in which the General Assembly would take note of the report of the Trusteeship Council and would recommend that the Trusteeship Council should take into account the comments and suggestions made in the course of the discussions of the report.

37. At its 392nd meeting, the Committee voted upon the draft resolution as follows :

Paragraph 1 of the draft resolution was adopted by 43 votes to none, with 5 abstentions.

Paragraph 2 was adopted by 49 votes to none, with one abstention.

The draft resolution as a whole was adopted by 45 votes to none, with 5 abstentions.

38. The text adopted is set out as draft resolution G in paragraph 52 of the present report.

**H. PETITION FROM THE NGOA-EKÉLÉ COMMUNITY,
CAMEROONS UNDER FRENCH ADMINISTRATION,
CONCERNING ADJUSTMENT OF THEIR LAND COMPLAINT**

39. At its 318th meeting, the Committee decided, by 36 votes to 10, with 6 abstentions, to grant a request from the Ngoa-Ekéle Community for an oral hearing.

40. Mr. Joseph Ndzinga, representative of the Ngoa-Ekéle Community, accordingly made a statement (A/C.4/255) to the Committee at the 382nd meeting; at the same meeting and at the 387th meeting he answered questions put to him by members of the Committee.

41. At the 389th meeting, Lebanon, Liberia and Pakistan submitted a draft resolution (A/C.4/L.327 and Corr.1). At the 391st meeting, the representative of France proposed orally two amendments which the sponsors accepted and incorporated in a revised draft (A/C.4/L.327/Rev.1) submitted at the same meeting. According to the revised draft resolution, the General Assembly would (1) note the steps already taken by the Administering Authority to assist the Ngoa-Ekéle Community to settle on other lands; (2) suggest to the Administering Authority to take all necessary steps which could in a satisfactory manner alleviate the difficulties experienced by the Ngoa-Ekéle Community in the process of their re-establishment; (3) recommend that assistance be also given by the Administering Authority to the Ngoa-Ekéle Community for it to avail itself of whatever legal recourse remained open in connexion with the lands on which they were originally settled and whatever further compensation might be possible; (4) recommend to the Administering Authority to further its purpose of allotting to the Ngoa-Ekéle Community an adequate area of lands by delimiting those lands in accordance with the legal procedures obtaining in the Territory; (5) invite the Trusteeship Council to examine this question in the light of this resolution and to include in its next report to the General Assembly the results of its examination.

42. The voting on the revised draft resolution, which took place at the 392nd meeting, was as follows:

Paragraph 1 of the operative part was adopted by 45 votes to none, with 6 abstentions.

The draft resolution as a whole was adopted by 49 votes to none, with 1 abstention.

43. The text adopted is set out as draft resolution H in paragraph 52 of the present report.

**I. HEARING OF PETITIONERS
FROM THE CAMEROONS UNDER FRENCH ADMINISTRATION**

44. The Committee received four requests from organizations and political parties in the Cameroons under French administration that their representatives should be allowed to make oral presentations to the Committee. These requests were from the Evolution Sociale Camerounaise (A/C.4/235), the Union des Populations du Cameroun, Douala branch (A/C.4/235), the Coordination des Indépendants Camerounais (A/C.4/235) and the Union des Populations du Cameroun, M'Balmayo branch (A/C.4/243).

45. At its 318th meeting, the Committee decided, by 37 votes to 10, with 3 abstentions, to grant the request of the Evolution Sociale Camerounaise and, by 40 votes to 10, with 3 abstentions, to grant the request of the Coordination des Indépendants Camerounais. At the same meeting, it was decided, by a roll-call vote of 33 to 12, with 8 abstentions, to grant the request of the Union des Populations du Cameroun, Douala branch. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

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

Abstaining: China, Colombia, Denmark, Dominican Republic, Ecuador, Norway, Peru, Thailand.

At its 349th meeting, the Committee decided, by 28 votes to 12, with 7 abstentions, to grant the request of the Union des Populations du Cameroun, M'Balmayo branch.

46. The Coordination des Indépendants Camerounais and the Union des Populations du Cameroun, M'Balmayo branch, failed to send representatives to appear before the Committee.

47. At the 388th meeting, Mr. Guillaume Bissek, representative of the Evolution Sociale Camerounaise, made a statement (A/C.4/257) to the Committee.

48. At the 393rd meeting, Mr. Ruben Um Nyobé, representative of the Union des Populations du Cameroun, Douala branch, made a statement (A/C.4/261); at the same meeting and at the 394th meeting he and Mr. Bissek answered questions put to them by members of the Committee.

49. At the 394th meeting, Guatemala and Syria submitted a draft resolution (A/C.4/L.331) in which the General Assembly would (1) reaffirm resolution 655 (VII) adopted on 21 December 1952; (2) recommend to the Trusteeship Council to give preferential attention to the matter at its next regular session; (3) also recommend to the Council that, in considering the matter, it should also take into consideration the statements of the petitioners and the comments made by the members of the Fourth Committee at the current session of the General Assembly; and that it should include a special study of the matter in its report to the General Assembly at its ninth session.

50. At its 394th meeting, the Committee adopted the draft resolution by 43 votes to none, with 1 abstention.

51. The text adopted is set out as draft resolution I in paragraph 52 below.

Recommendations of the Fourth Committee

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

Draft resolution A

REVISION OF THE QUESTIONNAIRE

The General Assembly,

Noting that the Trusteeship Council has adopted the revised Questionnaire (T/1010),

Considering that, under Article 88 of the Charter, the Administering Authorities shall make an annual report to the General Assembly, upon the basis of a questionnaire formulated by the Trusteeship Council, on the political, economic, social and educational advancement of the inhabitants of each Trust Territory,

Considering that, in approving the Provisional Questionnaire, the Trusteeship Council emphasized that it would be adapted, if necessary, to specific Trust Territories,

Considering that the revised Questionnaire is not applicable in its entirety to all Trust Territories,

1. *Instructs* a Sub-Committee consisting of representatives of El Salvador, Haiti, India and Syria to examine the Questionnaire formulated by the Trusteeship Council, to study such changes as may be necessary to adapt it to the special conditions of each Territory, and to submit its conclusions to the Trusteeship Council;

2. *Invites* the Trusteeship Council to undertake, on the basis of the work of the Sub-Committee established under the preceding paragraph, the preparation of separate questionnaires adapted to the particular circumstances of each Trust Territory.

Draft resolution B

ATTAINMENT BY THE TRUST TERRITORIES OF THE OBJECTIVE OF SELF-GOVERNMENT OR INDEPENDENCE

The General Assembly,

Recalling its resolution 558 (VI) of 18 January 1952 by which it invited the Administering Authority of each Trust Territory other than Somaliland under Italian administration to include in each annual report information concerning measures taken or contemplated towards self-government or independence and, *inter alia*, the estimated period of time required for such measures and for the attainment of the ultimate objective,

Having received from the Administering Authorities concerned annual reports covering periods subsequent to 18 January 1952 in respect of all except one of the Trust Territories, namely, the Territories of Western Samoa, New Guinea, Nauru, Tanganyika, Ruanda-Urundi, Togoland under British administration, Togoland under French administration and the Cameroons under French administration,

Noting that the Administering Authorities have not provided in these annual reports the information requested in its resolution 558 (VI),

Noting, however, that the Administering Authority of Western Samoa has declared its intention to initiate in 1954 consultations among the representatives of the inhabitants leading to the establishment of a self-governing State,

1. *Reaffirms* resolution 558 (VI) of 18 January 1952;

2. *Commends* to the Administering Authorities of the other Trust Territories the example provided by the Administering Authority of Western Samoa in inviting the inhabitants themselves in 1954 to formulate proposals for the establishment of a self-governing State;

3. *Requests* the Trusteeship Council to include in its next and succeeding reports to the General Assembly a separate section dealing with the implementation of resolution 558 (VI) and the present resolution, specifying in particular the measures taken in respect of:

(a) Consultations with the inhabitants of each Trust Territory in regard to the measures taken or contemplated towards self-government;

(b) The development in each Trust Territory of representative, executive and legislative organs and the extension of their powers;

(c) The development in each Trust Territory of universal adult suffrage and direct elections;

(d) The training and appointment of indigenous persons in each Trust Territory for positions of responsibility in the administration;

(e) The development of adequate public revenue; and stating in each case its conclusions and recommendations in the light of resolution 558 (VI) and the present resolution.

Draft resolution C

EDUCATIONAL ADVANCEMENT IN TRUST TERRITORIES: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES

The General Assembly,

Noting from the report of the Trusteeship Council (A/2427) the results to date of the project of fellowships, scholarships and internships offered by Member States to students from the Trust Territories pursuant to General Assembly resolution 557 (VI) of 18 January 1952,

Considering that the offers thus far made by Member States relate to study and training of university standard and that the inability of the Administering Authorities of the Trust Territories to provide a sufficient number of candidates is due in part to the generally low levels of education prevailing in the Territories and, in particular, to the inadequacy of facilities for post-primary education,

Considering further that the relatively small number of students qualified to take up such fellowships and scholarships requires that the most effective measures be taken to ensure that all potential candidates be given the opportunity to apply and that their applications be duly considered,

1. *Endorses* the tribute paid by the Trusteeship Council to the generosity of those Member States which have offered facilities, and expresses the hope that additional offers will be forthcoming;

2. *Expresses regret* that, in the absence of a sufficient number of qualified candidates, only a small proportion of the fellowships and scholarships offered have been utilized;

3. *Invites* Member States, in renewing or initiating offers of facilities, to take into account the special needs of the Trust Territories arising from their generally low levels of education, and to contemplate the provision of facilities not only for university study but also for post-primary and technical education and training of kinds which may most effectively further the political, economic, social and educational advancement of the Territories;

4. *Invites* Member States offering facilities, in cases where the languages of instruction differ from the languages of the Trust Territories, to consider the possibility of extending the duration of the facilities offered by a preliminary period of language training and other adjustment to the country of study or training;

5. *Recommends* that all Administering Authorities which have not done so give the fullest publicity in the Trust Territories under their administration to all offers of study and training facilities and take such other measures as will ensure that the greatest possible advantage is taken of the offers;

6. *Requests* the Trusteeship Council to undertake such amendment of its procedure for the administration of the project as may be necessary to permit applications to be made through the Secretary-General as well as through the territorial authorities, it being understood that upon receipt of any such applications the Secretary-General

will transmit them simultaneously to the Administering Authorities and the offering States concerned ;

7. *Requests* the Secretary-General to include in United Nations information material prepared for dissemination in the Trust Territories details of all such offers and of the procedures to be followed in submitting applications.

Draft resolution D

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

The General Assembly,

Reaffirming the opinion expressed in its resolution 556 (VI) of 18 January 1952 that it is essential that the peoples of Trust Territories should receive adequate information concerning the United Nations.

Observing that the existing arrangements for the supply of such information are based on Trusteeship Council resolution 36 (III) of 8 July 1948, which invites the Administering Authorities to furnish the Secretary-General (a) with the names and addresses of officials in the Trust Territories to whom suitable material should be sent for information and (b) with suggestions as to the appropriate channels through which information concerning the United Nations may be communicated to the general public,

Noting, however, from the most recent report submitted to the Council by the Secretary-General on the implementation of the above-mentioned resolution (T/1073), that while the Administering Authorities have submitted lists of names and addresses in accordance with the first part of the resolution they have in no case made any specific suggestions concerning the dissemination of information to the inhabitants of the Trust Territories and to the general public,

Noting from the report that, as the Secretary-General had pointed out in his previous reports on the subject, and as had been emphasized by the observations of the Visiting Missions to West Africa and the Pacific, which are summarized in the report, the dissemination of information on the United Nations to the peoples of the Trust Territories is still far from satisfactory,

1. *Expresses the opinion* that the existing arrangements for the dissemination in the Trust Territories of information on the United Nations are, in general, inadequate and of limited effectiveness ;

2. *Invites* the Administering Authorities to furnish the Secretary-General, in accordance with Trusteeship Council resolution 36 (III) of 8 July 1948, with suggestions as to the appropriate channels through which information on the United Nations and on the International Trusteeship System may be communicated to the general public in the Trust Territories (e.g., Press, radio, non-governmental organizations, trade unions, libraries, cultural, educational and religious institutions, teachers, missionaries, etc.) ;

3. *Requests* the Secretary-General to initiate at the earliest possible date, on the basis of the suggestions furnished by the Administering Authorities or his own knowledge of appropriate information channels, or by making use of both of these sources together, a direct flow of information material addressed to the general public in the Trust Territories ;

4. *Requests* the Secretary-General to include in his periodic reports on this matter to the Trusteeship Council lists of the channels of dissemination which he has established in pursuance of the present resolution.

Draft resolution E

ATTAINMENT OF INDEPENDENCE BY THE TRUST TERRITORY
OF SOMALILAND UNDER ITALIAN ADMINISTRATION BY 1960

The General Assembly,

Taking into consideration the fact that, under General Assembly resolution 289 A (IV), adopted on 21 November 1949, the Trust Territory of Somaliland under Italian administration is to attain complete independence by 1960,

Mindful that it is necessary for that purpose that the people of Somaliland shall be prepared for self-government,

Considering that it is the duty of both the United Nations and the Administering Authority to take the necessary measures for the implementation of that decision,

1. *Notes with appreciation* the efforts made by the Administering Authority in Somaliland to fulfil the obligations laid down in the Charter and in the Trusteeship Agreement ;

2. *Recommends* that the Administering Authority, in consultation with the Advisory Council, should continue to take the necessary steps to prepare the Somali people progressively for the attainment of complete independence, and to that end :

(a) The Territorial Council should be granted the powers of a legislative organ and its members should be elected by the people on the basis of universal adult suffrage ;

(b) The administration of Somaliland should be progressively transferred to the indigenous inhabitants as a necessary preliminary to its assumption of independence ;

(c) A general economic plan for the Territory should be completed without delay, taking into account the recommendations of the United Nations Technical Assistance Mission to the Trust Territory of Somaliland under Italian administration, particular attention being paid to methods for developing basic economic resources such as agriculture and stock-breeding, and to possibilities for improving and expanding existing industries ;

(d) Efforts should be made to increase the revenue in order to balance the budget as soon as possible, and to that effect expenditures for military and police forces should be reduced to the indispensable minimum ;

(e) Use of technical assistance facilities provided by the United Nations and the specialized agencies to assist in economic development and the improvement of social and educational conditions in the Territory should be encouraged ;

(f) Efforts should be intensified to increase the number and improve the quality of public elementary and secondary schools ; training for indigenous teachers should be expedited ; a mass education programme should be instituted ; attention should be devoted to vocational training, particularly in agricultural and veterinary science ; and facilities for further studies should be expanded by granting an adequate number of scholarships to enable Somalis to take advanced training courses abroad ;

(g) Review should be continued of all special legislation relating to Somaliland which was enacted prior to the trusteeship administration and which is still in effect, with a view to revising legislation found to be inconsistent with the letter or the spirit of the Trusteeship Agreement ;

3. *Recommends* also to the Governments of Italy and Ethiopia that they should intensify their efforts to achieve a final, just, equitable and friendly settlement of the question of the frontier between the State of Ethiopia

and the Trust Territory of Somaliland in order that this problem may be finally settled before the date appointed for the attainment of independence by Somaliland ;

4. *Requests* the Advisory Council, in its annual report, to give precise information on the implementation of the present resolution, together with its observations, comments or suggestions as to the means of carrying out the recommendations contained in the resolution.

Draft resolution F

MEANS TOWARD IMPROVING THE FUNCTIONING
OF THE INTERNATIONAL TRUSTEESHIP SYSTEM

The General Assembly,

Seeking to improve the functioning of the International Trusteeship System,

Desiring particularly to achieve a closer liaison and a more understanding and harmonious working relationship between the Trust Territories and their peoples, and the Administering Authorities, on the one hand, and the interested organs of the United Nations, on the other ;

1. *Recommends* that the Trusteeship Council undertake a study of ways and means of achieving these ends, with particular attention to the possibility and desirability, in pursuance of Article 87 of the Charter and without prejudice to the existing practice of regular visiting missions to the Trust Territories, of designating one or more United Nations representatives for the Trust Territories for an initial period of two years, who might, *inter alia*,

(a) Act in an observatory and advisory capacity on all matters affecting the operation of the International Trusteeship System ;

(b) Perform a liaison function in the relations between the United Nations, the Administering Authorities, and the peoples of the Trust Territories ;

(c) Offer good offices, when and where required, in matters relating to the Trusteeship System ;

(d) Assist in the appropriate dissemination in the Trust Territories of information about the United Nations ;

(e) Make periodic visits to each Trust Territory in the area to which he is assigned, devoting to each such Territory a period of time appropriate to the conditions and problems prevailing therein ;

(f) Report annually to the Secretary-General on his observations and his work, with particular reference to the objectives of the International Trusteeship System and the provisions of the Trusteeship Agreements ;

2. *Requests* the Trusteeship Council to report on the results of this study to the General Assembly at its ninth session.

Draft resolution G

REPORT OF THE TRUSTEESHIP COUNCIL

The General Assembly,

1. *Takes note* of the report of the Trusteeship Council covering the period from 4 December 1952 to 21 July 1953 (A/2427) ;

2. *Recommends* that the Trusteeship Council, in its future deliberations, take into account the comments and suggestions made in the course of the discussion of the report of the Council at the eighth session of the General Assembly.

Draft resolution H

PETITION FROM THE NGOA-EKÉLÉ COMMUNITY,
CAMEROONS UNDER FRENCH ADMINISTRATION,
CONCERNING ADJUSTMENT OF THEIR LAND COMPLAINT

The General Assembly,

Having heard the declaration and answers of the representative of the Ngoa-Ekéélé Community, Cameroons under French administration,

Bearing in mind the observations and explanations given by the Administering Authority,

1. *Notes* the steps already taken by the Administering Authority to assist the Ngoa-Ekéélé Community to settle on other lands ;

2. *Suggests* to the Administering Authority to take all necessary steps which can in a satisfactory manner alleviate the difficulties experienced by the Ngoa-Ekéélé Community in the process of their re-establishment ;

3. *Recommends* that assistance be also given by the Administering Authority to the Ngoa-Ekéélé Community for it to avail itself of whatever legal recourse remains open in connexion with the lands on which they were originally settled and whatever further compensation might be possible ;

4. *Recommends* to the Administering Authority to further its purpose of allotting to the Ngoa-Ekéélé Community an adequate area of lands by delimiting these lands in accordance with the legal procedures obtaining in the Trust Territory ;

5. *Invites* the Trusteeship Council to examine this question in the light of the present resolution and to include in its next report to the General Assembly the results of its examination.

Draft resolution I

HEARING OF PETITIONERS FROM THE TRUST TERRITORY
OF THE CAMEROONS UNDER FRENCH ADMINISTRATION

The General Assembly,

Considering that the Trusteeship Council has not yet considered the problems concerning the Cameroons under French administration, which are referred to in resolution 655 (VII) adopted by the General Assembly on 21 December 1952,

Bearing in mind that the Council has stated in its report (A/2427) that it will consider this matter at its next regular session,

Having again heard representatives of the organizations of the Cameroons under French administration,

1. *Reaffirms* resolution 655 (VII) adopted on 21 December 1952 ;

2. *Recommends* to the Trusteeship Council to give preferential attention to this matter at its next regular session ;

3. *Also recommends* to the Council that, in considering this matter, it should also take into consideration the statements of the petitioners and the comments made by the members of the Fourth Committee at the current session of the General Assembly ; and that it should include a special study of this matter in its report to the General Assembly for consideration at the ninth session.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted draft resolutions A, B, C, D, E, G, H, I submitted by the Fourth Committee (pp. 7 to 10 of this fascicule). For the final texts, see resolutions 751 (VIII), 752 (VIII), 753 (VIII), 754 (VIII), 755 (VIII), 756 (VIII), 757 (VIII) and 758 (VIII), respectively.

At the same meeting, the General Assembly rejected draft resolution F (p. 10 of this fascicule).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2151	Special report of the Trusteeship Council on administrative unions affecting Trust Territories and on the status of the Cameroons and Togoland under French administration arising out of their membership in the French Union		Official Records of the General Assembly, Seventh Session, Supplement No 12
A/2424	Special report of the Trusteeship Council		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 31
A/2427	Report of the Trusteeship Council covering the period from 4 December 1952 to 21 July 1953		<i>Ibid.</i> , Eighth Session, Supplement No. 4
A/2556 and Corr.1	Report of the Fourth Committee		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 32
A/2605	Report of the Fourth Committee		<i>Ibid.</i> , Eighth Session, Annexes, agenda item 31
A/2608	Report of the Fourth Committee	3	
A/C.4/226/Add.1	Statement by Mr. Ruben Um Nyobé, representative of the Union des Populations du Cameroun, to the Fourth Committee at its 309th meeting, on 17 December 1952		Mimeographed document only
A/C.4/228	Letter dated 3 December 1952 from Mr. Abdullahi Issa, representative of the Somali Youth League, addressed to the Chairman of the Fourth Committee		Ditto
A/C.4/233	Cablegram dated 16 September 1953 from the Ngoa-Ekéle Community, Yaoundé		Ditto
A/C.4/234	Communications from the Somali Youth League		Ditto
A/C.4/235	Letter dated 16 September 1953 from the President of the General Assembly to the Chairman of the Fourth Committee transmitting requests for oral hearings concerning Trust Territories		Ditto
A/C.4/238	Letter dated 3 September 1953 from Mr. Etienne M'Bida, on behalf of the Radicaux Modérés Camerounais, to the President of the Trusteeship Council		Ditto
A/C.4/240 and Add. 1 to 9	Communications received by the Secretary-General from the Cameroons under French administration concerning the oral hearing granted by the Fourth Committee to the representative of the Union des Populations du Cameroun		Ditto
A/C.4/243	Letter dated 10 October 1953 from Mr. Abessolo N'Koudou, Secretary-General of the Central Committee of the Union des Populations du Cameroun, M'Balmayo Branch		Ditto
A/C.4/244	Telegram dated 28 October 1953 from the representatives of seven political organizations in Somaliland under Italian administration addressed to the United Nations		Ditto
A/C.4/246	Letter dated 23 October 1953 from the President of the General Assembly to the Chairman of the Fourth Committee transmitting the text of an amendment submitted by Syria to a draft resolution adopted by the Third Committee (A/2503, para. 14)		Ditto
A/C.4/253	Statement by Mr. Abdullahi Issa, representative of the Somali Youth League, to the Fourth Committee at its 377th meeting, on 23 November 1953		Ditto
A/C.4/254	Letter dated 30 October 1953 from Mr. Abdullahi Issa, representative of the Somali Youth League, to the Chairman of the Fourth Committee		Ditto
A/C.4/255	Statement by Mr. Joseph Ndzinga, representative of the Ngoa-Ekéle Community, Yaoundé, to the Fourth Committee at its 382nd meeting, on 28 November 1953		Ditto
A/C.4/256	Memorandum dated 23 November 1953 from the representatives of seven political organizations in Somaliland under Italian administration to the Chairman of the Fourth Committee		Ditto
A/C.4/257	Statement by Mr. Guillaume Bissek, representative of the Evolution Sociale Camerounaise, to the Fourth Committee at its 388th meeting, on 2 December 1953		Ditto

Document No.	Title	Page	Observations and references
A/C.4/260	Letter dated 4 December 1953 from Mr. Abdullahi Issa, representative of the Somali Youth League, to the Chairman of the Fourth Committee		Mimeographed document only
A/C.4/261	Statement by Mr. Ruben Um Nyobé, representative of the Union des Populations du Cameroun, to the Fourth Committee at its 393rd meeting, on 5 December 1953		Ditto
A/C.4/L.249	Participation of the indigenous inhabitants of the Trust Territories in the government of those Territories and in the work of the Trusteeship Council—Bolivia, Brazil, Burma, Ecuador, Egypt, El Salvador, Guatemala, Indonesia, Syria, Yemen and Yugoslavia: draft resolution		Official Records of the General Assembly, Seventh Session, Annexes, agenda item 12
A/C.4/L.253	Revision of the Questionnaire—El Salvador, Guatemala, Haiti, Lebanon, Saudi Arabia and Syria: draft resolution		Ibid.
A/C.4/L.271	Requests for oral hearings—United Kingdom of Great Britain and Northern Ireland: draft resolution	1	
A/C.4/L.271/Rev.1	Requests for oral hearings—United Kingdom of Great Britain and Northern Ireland: revised draft resolution	2	
A/C.4/L.282	United Kingdom of Great Britain and Northern Ireland: draft resolution on representation on the Committee on Information from Non-Self-Governing Territories		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 31
A/C.4/L.308	Argentina, Egypt, Lebanon, Liberia, Pakistan, Philippines and Venezuela: draft resolution		Ibid.
A/C.4/L.319	Revision of the Questionnaire—Burma, El Salvador, Guatemala, Haiti, India, Lebanon, Liberia, Mexico, Saudi Arabia, Syria and Uruguay: draft resolution	2	
A/C.4/L.320	Attainment by the Trust Territories of the objective of self-government or independence—Egypt, Guatemala, Haiti, India, Indonesia, Iraq, Lebanon, Philippines, Yemen and Yugoslavia: draft resolution		Same text as A/2608, draft resolution B
A/C.4/L.321	Educational advancement in Trust Territories: offers by Member States of study and training facilities—Egypt, India, Indonesia, Lebanon and Yugoslavia: draft resolution		See A/2608, para. 16
A/C.4/L.321/Add.1	Educational advancement in Trust Territories: offers by Member States of study and training facilities—Egypt, India, Indonesia, Lebanon, Syria and Yugoslavia: addendum to draft resolution		See A/2608, para. 17
A/C.4/L.321/Rev.1	Educational advancement in Trust Territories: offers by Member States of study and training facilities—Egypt, India, Indonesia, Lebanon, Syria and Yugoslavia: revised draft resolution		Same text as A/2608, draft resolution C
A/C.4/L.322	Dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories—Dominican Republic: draft resolution		For the text as amended (A/2608, para. 21), see A/2608, draft resolution D
A/C.4/L.323	Attainment of independence by the Trust Territory of Somaliland under Italian administration by 1960—Egypt, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Philippines and Syria: draft resolution	2	
A/C.4/L.323/Rev.1	Attainment of independence by the Trust Territory of Somaliland under Italian administration by 1960—Burma, Egypt, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Philippines and Syria: revised draft resolution		For the text as amended (A/2608, paras. 28-29), see A/2608, draft resolution E
A/C.4/L.324	Means toward improving the functioning of the International Trusteeship System—Afghanistan, Brazil, Pakistan and Saudi Arabia: draft resolution		Same text as A/2608, draft resolution F
A/C.4/L.325	Belgium: amendments to the draft resolution submitted by Burma, El Salvador, Guatemala, Haiti, India, Lebanon, Liberia, Mexico, Saudi Arabia, Syria and Uruguay (A/C.4/L.319)	3	
A/C.4/L.325/Rev.1	Belgium: revised amendments to the draft resolution submitted by Burma, El Salvador, Guatemala, Haiti, India, Lebanon, Liberia, Mexico, Saudi Arabia, Syria and Uruguay (A/C.4/L.319)		See A/2608, para. 9
A/C.4/L.326	Report of the Trusteeship Council—Denmark: draft resolution		Same text as A/2608, draft resolution G
A/C.4/L.327 and Corr.1	Petition from the Ngoa-Ekéle Community, Cameroons under French administration, concerning the expropriation of their land—Lebanon, Liberia and Pakistan: draft resolution		For the text as amended (A/2608, para. 41), see A/C.4/L.327/Rev.1
A/C.4/L.327/Rev.1	Petition from the Ngoa-Ekéle Community, Cameroons under French administration, concerning adjustment of their land complaint—Lebanon, Liberia and Pakistan: revised draft resolution		Same text as A/2608, draft resolution H
A/C.4/L.328	Pakistan and Saudi Arabia: amendment to the revised draft resolution submitted by Burma, Egypt, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Philippines and Syria (A/C.4/L.323/Rev.1)		Incorporated in the summary records of the Fourth Committee, 391st meeting, para. 59
A/C.4/L.328/Rev.1	Pakistan and Saudi Arabia: revised amendment to the revised draft resolution submitted by Burma, Egypt, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Philippines and Syria (A/C.4/L.323/Rev.1)		See A/2608, para. 28

Document No.	Title	Page	Observations and references
A/C.4/L.329	Brazil: amendment to the revised draft resolution submitted by Burma, Egypt, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Philippines and Syria (A/C.4/L.323/Rev.1)		See A/2608, para. 29
A/C.4/L.330	Draft report of the Fourth Committee		See A/2608
A/C.4/L.331	Hearing of petitioners from the Trust Territory of the Cameroons under French administration—Guatemala and Syria: draft resolution		Same text as A/2608, draft resolution I
A/RESOLUTION/175	Revision of the Questionnaire—Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 751 (VIII)</i>
A/RESOLUTION/176	Attainment by the Trust Territories of the objective of self-government or independence—Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		<i>Ibid.</i> , resolution 752 (VIII)
A/RESOLUTION/177	Educational advancement in Trust Territories: offers by Member States of study and training facilities—Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		<i>Ibid.</i> , resolution 753 (VIII)
A/RESOLUTION/178	Dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories—Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		<i>Ibid.</i> , resolution 754 (VIII)
A/RESOLUTION/179	Attainment of independence by the Trust Territory of Somaliland under Italian administration by 1960—Resolution adopted by the General Assembly at its 471st meeting, on 9 December 1953		<i>Ibid.</i> , resolution 755 (VIII)
A/RESOLUTION/180	Report of the Trusteeship Council—Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		<i>Ibid.</i> , resolution 756 (VIII)
A/RESOLUTION/181	Petitions from the Ngoa-Ekéle Community, Cameroons under French administration, concerning adjustment of their land complaint—Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		<i>Ibid.</i> , resolution 757 (VIII)
A/RESOLUTION/182	Hearing of petitioners from the Trust Territory of the Cameroons under French administration—Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		<i>Ibid.</i> , resolution 758 (VIII)
S/3066	Report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands for the period from 2 April 1952 to 21 July 1953		Mimeographed document only
ST/TAA/K/ Somaliland 1	The Trust Territory of Somaliland under Italian administration—Report prepared jointly for the Government of Italy by an expert appointed by the United Nations Technical Assistance Administration and by experts appointed respectively by the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization		United Nations Publications, Sales Number: 1953.11.H.2
T/1	Transmission of the provisional rules of procedure of the Trusteeship Council as formulated by the Preparatory Commission of the United Nations		<i>Official Records of the Trusteeship Council, First Session, Supplement</i>
T/217 and Add.1	Report of the United Nations Visiting Mission to the Trust Territory of Ruanda-Urundi under Belgian administration		<i>Ibid.</i> , Fourth Session, Supplement No. 2
T/947 and Corr.1	Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Somaliland under Italian administration		<i>Ibid.</i> , Eleventh Session, Supplement No. 4
T/948	Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Ruanda-Urundi		<i>Ibid.</i> , Supplement No. 2
T/1010	Questionnaire as approved by the Trusteeship Council at its 414th meeting, eleventh session, on 6 June 1952		<i>Ibid.</i> , Special Supplement
T/1034	Special report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Ewe and Togoland unification problem		This document will be printed later if a decision to that effect is taken by the Trusteeship Council
T/1040	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under British administration		Ditto
T/1041	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under French administration		Ditto
T/1042	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under British administration		Ditto
T/1043	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under French administration		Ditto
T/1044 and Corr.1	United Nations Visiting Mission to Trust Territories in West Africa, 1952, on procedures of visiting missions		<i>Official Records of the Trusteeship Council, Twelfth Session, Annexes, agenda item 9</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
T/1048	Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration covering the period 1 April 1952 to 31 March 1953		<i>Ibid.</i> , Twelfth Session, Annexes, agenda item 4
T/1054	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on Nauru		<i>Ibid.</i> , Twelfth Session, Supplement No. 2
T/1055	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on the Trust Territory of the Pacific Islands		<i>Ibid.</i> , Twelfth Session, Supplement No. 3
T/1056	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on New Guinea		<i>Ibid.</i> , Twelfth Session, Supplement No. 4
T/1057	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on Western Samoa		<i>Ibid.</i> , Twelfth Session, Supplement No. 5
T/1061 and Add.1	Comments of the United Nations Educational, Scientific and Cultural Organization on the draft five-year plan for education in the Territory of Somaliland 1953-1957		<i>Ibid.</i> , Twelfth Session, Annexes, agenda item 4
T/1065	Report of the Secretary-General		<i>Ibid.</i> , agenda item 16
T/1072	Third progress report of the Committee on Rural Economic Development of the Trust Territories		<i>Ibid.</i> , agenda item 8
T/1073	Report of the Secretary-General		<i>Ibid.</i> , agenda item 17
T/1074	Observations of the Administering Authority on the report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under British administration		This document will be printed later if a decision to that effect is taken by the Trusteeship Council
T/L.373	Report of the Committee of Two		<i>Official Records of the Trusteeship Council, Twelfth Session, Annexes, agenda item 15</i>
T/Obs.5/14	Petitions concerning the Cameroons under French administration : observations of the Administering Authority		Mimeographed document only
T/Pet.1/1	Petition of 18 November 1946 from leaders and representatives of Western Samoa		<i>Official Records of the Trusteeship Council, First Session, Supplement</i>
T/Pet.3/65	Petition from Ex-Chief Ntunguka concerning Ruanda-Urundi		Mimeographed document only
T/Pet.5/116	Petition from Messrs. Boniface Mbouna and Benoit Melateji concerning the Cameroons under French administration		Ditto
T/Pet.5/197	Petition from representatives of the Ngoa-Ekéle Community concerning the Cameroons under French administration		Ditto
T/Pet.5/197/Add.1	Addendum to the petition from representatives of the Ngoa-Ekéle Community concerning the Cameroons under French administration		Ditto

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ANNEXES

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HEADQUARTERS, NEW YORK, 1953

Agenda item 14 : Election of three non-permanent members of the Security Council

Agenda item 15 : Election of six members of the Economic and Social Council

Agenda item 16 : Election of two members of the Trusteeship Council

[No documents]

For the decisions taken by the General Assembly on these three items see
Official Records of the General Assembly, Eighth Session, Supplement No. 17.



Agenda item 17 : Election of the members of the International Law Commission

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A/2500/Rev.1	Revised list of candidates nominated by the Member States : note by the Secretary-General.	1
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DOCUMENT A/2500/Rev.1

Revised list of candidates nominated by the Member States : note by the Secretary-General

[Original text : English]
[21 October 1953]

1. The Secretary-General has the honour to submit to the General Assembly a revised alphabetical list of the names of the candidates submitted by the nominating governments for the election of members of the International Law Commission established by resolution 174 (II) of the General Assembly of 21 November 1947.¹

¹ The list reproduced in the present document supersedes the lists of candidates given in documents A/2399 and Corr.1, A/2399/Add.1, A/2399/Add.2/Rev.1, A/2399/Add.3, A/2399/Add.4, and A/2500. The statements of qualifications of the nominated candidates which were included in each of the above-mentioned documents (with the exception of document A/2500) remain unchanged.

2. The Secretary-General has also the honour to inform the Members of the United Nations and the General Assembly that he has received communications from the Governments of Egypt, Iraq, Lebanon and Saudi Arabia stating that they have decided to withdraw their nominations of Mr. Choucri Kardahi, Mr. Wafik Kassar and Mr. Sami Midani as candidates for election to the International Law Commission. The Secretary-General has received a similar communication from the Government of Syria with respect to Mr. Sami Midani.

3. As Mr. Choucri Kardahi, Mr. Wafik Kassar and Mr. Sami Midani are no longer candidates nominated for election by a Member State, their names have been deleted from the list.

LIST OF CANDIDATES

Name and nationality	Nominated by	Name and nationality	Nominated by
Alfaro, Ricardo J. (Panama)	Colombia, Mexico, Panama, United Kingdom.	El-Khoury, Faris Bey (Syria)	Cuba, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Yugoslavia.
Alsan, Zeki Mesud (Turkey)	Turkey.	Fidel Durón, Jorge (Honduras)	Honduras.
Amado, Gilberto (Brazil)	Brazil, Canada, Colombia, Dominican Republic, Ecuador, El Salvador, Mexico, Panama, Peru.	François, J. P. A. (Netherlands)	Canada, Netherlands.
Arguello Vargas, Mariano (Nicaragua)	Nicaragua.	García Amador, Francisco U. (Cuba)	Argentina, Bolivia, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Peru, Philippines, Syria, Turkey, Uruguay.
Bartos Milan (Yugoslavia)	Syria, Yugoslavia.		Guatemala.
Bocobo, Jorge (Philippines)	Cuba, Philippines.	García Bauer, Carlos (Guatemala)	Peru.
Bourquin, Maurice (Belgium)	Belgium.	García Salazar, Arturo (Peru)	Brazil, China, Ecuador, Greece, Thailand.
Castillo Arriola, Eduardo (Guatemala)	Guatemala.	Hsu, Shuhsi (China)	United Kingdom.
Cordova, Roberto (Mexico)	Argentina, Bolivia, Brazil, Chile, China, Colombia, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Uruguay, Yugoslavia.	Kerno, Ivan S. (Czechoslovakia)	Thailand.
		Khoman, Thanat (Thailand)	

LIST OF CANDIDATES
(continued)

<i>Name and nationality</i>	<i>Nominated by</i>	<i>Name and nationality</i>	<i>Nominated by</i>
Krylov, Sergei Borisovich (USSR)	Byelorussian SSR, Czecho- slovakia, Poland, Ukrainian SSR, USSR.	Sandstrom, A. E. F. (Sweden)	Denmark; Norway, Sweden.
Lauterpacht, Hersh (United Kingdom)	United Kingdom, Yugoslavia.	Sangoudhai, Yut (Thailand)	Thailand.
Lavalle, Juan Bautista de (Peru)	Peru.	Sayre, Francis B. (United States of America)	Thailand.
Manzanares, Gustavo (Nicaragua)	Nicaragua.	Scelle, Georges (France)	France, Greece.
Matindaftari, Ahmed (Iran)	Iran.	Sologuren, Santiago (Bolivia)	Bolivia.
Myint Thein, Thado Maha Thray Sithu (Burma)	Burma.	Spiropoulos, Jean (Greece)	China, France, Greece, Tur- key.
Parker, Radhabinod (India)	India.	Taner, Ordinarius Tahir (Turkey)	Turkey.
Park, John Johnston (United States of America)	United States of America.	Yepes, Jesús María (Colombia)	Argentina, Colombia, Costa Rica, Dominican Republic, El Salvador, Mexico.
Rivera Hernandez, Alejandro (Honduras)	Honduras.	Ylagan, Pedro (Philippines)	Philippines.
Salamanca Figueroa, Carlos (Bolivia)	Bolivia, Cuba.	Zourek, Jaroslav (Czechoslovakia)	Byelorussian SSR, Czecho- slovakia, Poland, Ukrainian SSR, USSR.

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<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/2399 and Corr.1	List of candidates nominated by Member States and statements of qualifications		Mimeographed document only. Replaced by A/2500/Rev.1.
A/2399/Add.1, Add.2/Rev.1, Add.3 and Add.4	Supplementary lists of candidates nominated by Member States and additional statements of qualifications		Ditto.
A/2500/Rev.1	Revised list of candidates nominated by Member States : note by the Secretary-General	1	

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Agenda item 18: The Korean question

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A/C.1/L.95	Brazil: draft resolution	2
A/C.1/L.96	Brazil and India: draft resolution	2
Plenary meetings (final phase) :		
A/2621	Report of the First Committee	2
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(b) Report of the United Nations Agent General for Korean Reconstruction		
Plenary meetings (final phase) :		
A/2586	Comments of the United Nations Commission for the Unification and Rehabilitation of Korea on the report of the United Nations Agent General for Korean Reconstruction (A/2543 and Corr.1)	3
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DOCUMENT A/C.1/L.94/Rev.1

India: revised draft resolution

[Original text: English]
[4 December 1953]

The General Assembly

Resolves to stand recessed on or after 8 December 1953, to 9 February 1954, it being provided that the President may for good and sound reasons convene the Assembly on an earlier or later date for the further consideration of the Korean question.

DOCUMENT A/C.1/L.95**Brazil: draft resolution**

[Original text: English]
[3 December 1953]

The General Assembly,

Noting that negotiations for the convening of the political conference on Korea are now proceeding at Panmunjom,

Expressing the hope that arrangements for the conference will be speedily completed and that the conference will achieve an early settlement of the Korean question, consistent with United Nations principles and objectives,

Desiring to avoid premature consideration of the Korean question and thus to facilitate the present negotiations to the greatest possible extent,

1. *Decides* to defer consideration of the Korean question ;

2. *Requests* the President of the Assembly to reconvene the present session whenever in the opinion of a majority of Members developments with regard to any aspect of this question require consideration.

DOCUMENT A/C.1/L.96**Brazil and India: draft resolution**

[Original text: English]
[7 December 1953]

The General Assembly

1. *Resolves* that the eighth session of the General Assembly stand recessed ; and

2. *Requests* the President of the General Assembly to reconvene the eighth session, with the concurrence of the majority of Member States, if (a) in her opinion developments in respect of the Korean question warrant such reconvening, or (b) one or more Member States make a request to the President for such reconvening by reason of developments in respect of the Korean question.

DOCUMENT A/2621**Report of the First Committee**

[Original text: English]
[8 December 1953]

1. At its 294th 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.

2. On 14 August 1953, in accordance with its terms of reference, the United Nations Commission for the Unification and Rehabilitation of Korea submitted a report (A/2441).

3. At its 435th meeting on 17 September 1953, the General Assembly included the report of the Commission in the agenda of the eighth session under the title: "The Korean question: (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea", and referred it to the First Committee for consideration and report.

4. The First Committee considered the item at its 680th to 682nd meetings, inclusive, held from 5 to 7 December 1953.

5. On 3 December, India submitted a draft resolution, which, after revision (A/C.1/L.94/Rev.1), provided that

the General Assembly should resolve to stand recessed on or after 8 December 1953, to 9 February 1954, it being provided that the President might, for good and sound reasons, convene the Assembly on an earlier or later date for the further consideration of the Korean question.

6. On the same day, Brazil submitted a draft resolution (A/C.1/L.95), providing, *inter alia*, that the General Assembly should (1) decide to defer consideration of the Korean question ; and (2) request the President of the Assembly to reconvene the session whenever in the opinion of a majority of Members developments with regard to any aspect of this question required consideration.

7. On 7 December, Brazil and India withdrew the draft resolutions which they had submitted on 3 December and introduced a new joint draft resolution (A/C.1/L.96), providing that the General Assembly should (1) resolve that the eighth session stand recessed ; and (2) request the President of the Assembly to reconvene the eighth session, with the concurrence of the majority of Member States, if (a) in her opinion developments in respect of the Korean question warranted such reconvening, or (b),

one or more Member States made a request to the President for such reconvening by reason of developments in respect of the Korean question.

8. On the same day, Poland submitted an amendment (A/C.1/L.97) to the draft resolution of Brazil and India, to delete the words "with the concurrence of the majority of Member States".

9. On the same day, El Salvador submitted an amendment (A/C.1/L.98), later revised (A/C.1/L.98/Rev.1 and 2), to the draft resolution of Brazil and India. After certain drafting changes had been made in the provisional Spanish translation of the draft resolution of Brazil and India, the representative of El Salvador withdrew his amendment.

10. At the 682nd meeting on 7 December, the Polish amendment was rejected by 50 votes to 5, with 5 abstentions.

The draft resolution of Brazil and India was adopted by 55 votes to none, with 5 abstentions.

Recommendation of the First Committee

11. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly

1. *Resolves* that the eighth session of the General Assembly stand recessed;

2. *Requests* the President of the General Assembly to reconvene the eighth session, with the concurrence of the majority of Member States, if (a) in her opinion developments in respect of the Korean question warrant such reconvening, or (b) one or more Member States make a request to the President for such reconvening by reason of developments in respect of the Korean question.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 470th plenary meeting on 8 December 1953, the General Assembly adopted the above draft resolution submitted by the First Committee. For the final text, see resolution 716 (VIII).

DOCUMENT A/2586

Comments of the United Nations Commission for the Unification and Rehabilitation of Korea on the report of the United Nations Agent General for Korean Reconstruction (A/2543 and Corr.1)

[Original text: English]
[1 December 1953]

Note by the Secretary-General: The Secretary-General has the honour to circulate, for the information of the Members of the General Assembly, the text of the comments, adopted by the United Nations Commission for the Unification and Rehabilitation of Korea at its 292nd meeting on 30 November 1953, on the report of the United Nations Agent General for Korean Reconstruction. These comments are transmitted to the General Assembly in accordance with paragraph 2 (e) of General Assembly resolution 410 A (V) adopted on 1 December 1950.

Pusan, 30 November 1953

1. The United Nations Commission for the Unification and Rehabilitation of Korea submits to the Economic and Social Council and the General Assembly the following comments on the report of the United Nations Agent General for Korean Reconstruction for the period 15 September 1952 to 30 September 1953.

2. Since UNCURK completed its report (A/2441) on 14 August 1953, the Agent General has discussed with it his proposals for 1954 and, in compliance with General Assembly resolution 410 (V), section A, paragraph 5 (d), has submitted to the Commission a copy of his report.

3. The Commission has already commented in its report on the progress achieved by UNKRA during the year under review. It is not in a position to comment in detail on the programme for 1954 which, it notes, has been reduced from a total of \$130 million to \$85 million. It refers, however, to the general comments made in chapter V, sections A and D, of the above-mentioned report and, in particular, wishes to emphasize the following points.

4. The Republic of Korea is a long way from establishing a viable economy at a level of production adequate to support the Korean people at a *per capita* level of consumption approximately equal to that of 1949-1950.

5. In the present circumstances of Korea, and particularly in view of the need for the Republic of Korea to maintain between sixteen and twenty divisions under arms, the problem of inflation requires a considerable proportion of external assistance to be directed to promoting stability. The Commission has learned with satisfaction that a co-ordinated programme has been developed in which the Government of the Republic of Korea, the Unified Command and UNKRA will participate and which takes into account the problem of stabilizing the Korean economy. The Commission repeats its recommendation that UNKRA's programme should aim in particular at an early increase in Korean domestic production.

6. It is evident that Korea's relief and rehabilitation needs are very great and that the present programme is limited, not by the requirements and absorptive capacity

of the Korean economy, but by the total pledges that have been made. The Commission believes that increased aid is desirable and that a sustained aid programme must continue if the contributions already made and which are now beginning to have beneficial effect are not to be wasted. In this regard, the Commission has noted that, in order to ensure continuity in planning and program-

ming, the Agent General has prepared a proposed programme for the financial year 1955.

7. The Commission takes this opportunity to record with appreciation the co-operation given to it by the Agent General, Lieutenant-General John B. Coulter, who has kept it informed of UNKRA's general plan of activities.

DOCUMENT A/2603

Report of the Second Committee

[Original text: English]
[4 December 1953]

Recommendation of the Second Committee

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, allocated to the Second Committee agenda item 18 (b), "The Korean question: report of the United Nations Agent General for Korean Reconstruction".

2. The Committee devoted two meetings (the 283rd and 284th) to the consideration of this item. Eight delegations, as well as the United Nations Agent General for Korean Reconstruction, took part in the general debate.

3. The Committee received a draft resolution submitted by Argentina, Canada, France, the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.2/L.218) in which the General Assembly would (a) commend the Agent General for his work; (b) approve, subject to consultation between the Agent General and the Advisory Committee, the programmes for 1 July 1953 to 1 July 1954 and 1 July 1954 to 1 July 1955 set forth in paragraphs 122, 123 and 124 of the Agent General's report to the General Assembly at its eighth session; (c) note with concern that sufficient funds were not available to implement such programmes, urge all governments to give immediate consideration to the prompt payment of pledges already made or to the making of contributions within their financial possibilities if they had not already taken such action; and recommend that specialized agencies and non-governmental organizations should furnish all possible assistance to the United Nations Korean Reconstruction Agency; and (d) request the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to General Assembly resolution 759 (VIII) of 5 October 1953, to undertake, in addition to already assigned tasks, negotiations with governments regarding their pledges to the United Nations Korean Reconstruction Agency.

4. The draft resolution was voted upon at the 284th meeting on 2 December 1953. At the request of the representative of the Byelorussian Soviet Socialist Republic the preamble was voted upon separately and the operative part was voted upon paragraph by paragraph with the following results:

The preamble was adopted by 33 votes to 5.

Paragraph 1 was adopted by 33 votes to 5.

Paragraph 2 was adopted by 33 votes to 5.

Paragraph 3 was adopted by 32 votes to none, with 6 abstentions.

Paragraph 4 was adopted by 32 votes to none, with 6 abstentions.

The draft resolution as a whole was adopted by 33 votes to none, with 5 abstentions.

5. The Second Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

THE KOREAN QUESTION: REPORT OF THE UNITED NATIONS AGENT GENERAL FOR KOREAN RECONSTRUCTION

The General Assembly,

Recalling General Assembly resolution 410 (V) of 1 December 1950,

Taking note of the report (A/2543 and Corr.1) of the Agent General on the work of the United Nations Korean Reconstruction Agency for the period 15 September 1952 to 30 September 1953,

Noting that the work undertaken by the United Nations Korean Reconstruction Agency is bringing substantial benefits to the distressed people of Korea,

Noting with satisfaction that the programmes of the Agency are implemented in close co-operation with the Government of the Republic of Korea and the United Nations Command and in consultation with the United Nations Commission for the Unification and Rehabilitation of Korea,

1. *Commends* the United Nations Agent General for Korean Reconstruction for his work;

2. *Approves*, subject to consultation between the Agent General and the Advisory Committee, the programmes for the periods 1 July 1953 to 1 July 1954 and 1 July 1954 to 1 July 1955 set forth in paragraphs 122, 123 and 124 of the Agent General's report to the General Assembly at its eighth session;

3. *Notes with concern* that sufficient funds are not available to implement such programmes, urges all governments to give immediate consideration to the prompt payment of pledges already made or to the making of contributions within their financial possibilities if they have not already taken such action; and recommends that specialized agencies and non-governmental organizations furnish all possible assistance to the United Nations Korean Reconstruction Agency;

4. *Requests* the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to General Assembly resolution 759 (VIII) of 5 October 1953, to undertake, in addition to already assigned tasks, negotiations with governments regarding their pledges to the United Nations Korean Reconstruction Agency.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 468th plenary meeting on 7 December 1953, the General Assembly adopted the draft resolution submitted by the Second Committee (see preceding page). For the final text, see resolution 725 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
(a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea			
A/2431 ¹	Note by the Secretary-General		Mimeographed document only
A/2441	Report of the United Nations Commission for the Unification and Rehabilitation of Korea		Official Records of the General Assembly, Eighth Session, Supplement No. 13
A/2469	Note by the Secretary-General transmitting a cablegram from the Central People's Government of the People's Republic of China		Mimeographed document only
A/2476 and Corr.1	Note by the Secretary-General transmitting a cablegram from the Government of the People's Democratic Republic of Korea		Mimeographed document only
A/2480	Note by the Secretary-General on the implementation of General Assembly resolution 711 C (VII)		Mimeographed document only
A/2616	Note by the Secretary-General		Mimeographed document only
A/2621	Report of the First Committee	2	
A/C.1/L.40/Rev.2	Brazil: second revised text of draft resolution		Official Records of the General Assembly, Seventh Session, Annexes, agenda item 72
A/C.1/L.94/Rev.1	India: revised draft resolution	1	
A/C.1/L.95	Brazil: draft resolution	2	
A/C.1/L.96	Brazil and India: draft resolution	2	
A/C.1/L.97	Poland: amendment to the draft resolution submitted by Brazil and India (A/C.1/L.96)		Incorporated in the record of the 682nd meeting of the First Committee, para. 4
A/C.1/L.98/Rev.2	El Salvador: revised amendment to the draft resolution submitted by Brazil and India (A/C.1/L.96)		Incorporated in the record of the 682nd meeting of the First Committee, para. 27
A/L.173	Poland: amendment to the draft resolution proposed by the First Committee (A/2621)		Incorporated in the record of the 470th plenary meeting of the General Assembly
A/RESOLUTION/173	Resolution adopted by the General Assembly at its 470th plenary meeting, on 8 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 716 (VIII)
S/3079	Letter dated 7 August 1953 from the acting representative of the United States of America to the United Nations addressed to the Secretary-General transmitting a special report of the Unified Command on the armistice in Korea in accordance with the Security Council resolution of 7 July 1950 (S/1588)		Official Records of the Security Council, Eighth Year, Supplement for June, July and August 1953
(b) Report of the United Nations Agent General for Korean Reconstruction			
A/2441	Report of the United Nations Commission for the Unification and Rehabilitation of Korea		Official Records of the General Assembly, Eighth Session, Supplement No. 13
A/2543 and Corr.1	Report of the United Nations Agent General for Korean Reconstruction		Ibid., Supplement No. 14
A/2586	Comments of the United Nations Commission for the Unification and Rehabilitation of Korea on the report of the United Nations Agent General for Korean Reconstruction (A/2543 and Corr.1	3	
A/2603	Report of the Second Committee	4	
A/C.2/L.218	Argentina, Canada, France, Philippines, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution		See A/2603
A/C.2/L.220	Draft report of the Second Committee		Replaced by A/2603
A/RESOLUTION/169	Resolution adopted by the General Assembly at its 468th plenary meeting, on 7 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 725 (VIII)

¹ Letter transmitting document S/3079.

**GENERAL
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HEADQUARTERS, NEW YORK, 1953

**Agenda item 19: Report of the Director of the United Nations Relief and Works Agency for Palestine refugees
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Plenary meetings (final phase) :		
A/2558	Report of the Ad Hoc Political Committee	3
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DOCUMENT A/2470/ADD.1**Special report of the Director and the Advisory Commission of the United Nations Relief and Works Agency
for Palestine Refugees in the Near East**[Original texts : English and French]
[26 October 1953]

1. The Acting Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East has submitted to the General Assembly, in accordance with resolution 302 (IV) of 8 December 1949, the annual report covering the period 1 July 1952 to 30 June 1953.¹ It is customary for the Director and the Advisory Commission, on the basis of the information and data supplied in that document, to submit to the General Assembly a joint report containing recommendations, the adoption of which should enable progress to be made towards the aims set by the United Nations at the time of the creation of the Agency.

2. Following the adoption, in November 1952, by the General Assembly, of resolution 614 (VII) which governed the Agency's activities for the fiscal year ending 30 June 1953, the Advisory Commission, complying with the requests of the governments concerned as laid down in paragraph 8 of resolution 302 (IV), accepted as members of the Commission representatives of Syria (26 January 1953), Jordan (6 February 1953) and Egypt (11 March 1953). It is important to emphasize that this enlargement of the Commission marks a further advance towards the fulfilment of the Agency's mission.

3. The Acting Director and the Advisory Commission record with satisfaction the fact that four programme

agreements have been concluded during the course of the past twelve months. Nevertheless, in spite of all efforts it is now clear that the rehabilitation of all the Arab refugees, in existing economic and political circumstances in the Near East, is for all practical purposes impossible. There is, however, a prospect that, by their early employment on projects under consideration by the host governments and the Agency, many refugees will be able while so employed to receive wages sufficient to support them and their dependents, with a consequent reduction of expenditures chargeable to relief. The fact is, however, that projects contemplated cannot be expected to provide for more than a proportion of the refugee population. This situation is of great concern in all its aspects and necessitates, for the programme amongst other measures, a revision both of the time-table and of its provisions for relief.

4. The Acting Director had drawn attention to the reluctance of the refugees to co-operate with the Agency's rehabilitation programme. The Acting Director and the Advisory Commission consider it possible that this attitude may be modified if the refugees can be made fully to understand that these projects in no way affect their rights to repatriation or compensation as recognized by paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948.

5. In the circumstances, the Acting Director and the Advisory Commission feel it appropriate to suggest that

¹ See *Officials Records of the General Assembly, Eighth Session, Supplement No. 12.*

the mandate of the Agency should be extended, as an interim measure, for one further year beyond 30 June 1954 (when it is due to expire), during which the activities of the Agency would be fully maintained. Meanwhile, a thorough study would be made of the problem in all its aspects, with a view to submitting to the next session of the General Assembly a series of recommendations for further helping the refugees.

6. The Acting Director and the Advisory Commission have given consideration to the question of the funds required to enable the Agency to continue its operations. They recommend that the \$200 million set aside for rehabilitation should be reserved for its original purpose. It is recognized that this fund represents the minimum required for this purpose, and it should, therefore, remain intact. In the search for new projects, it is desirable for the Agency to be given discretion to support general development plans where these are likely to bring considerable benefit to the refugees.

7. By resolutions 513 (VI) and 614 (VII), the General Assembly authorized the expenditure of \$50 million on relief for the first two years of the three-year plan. As this sum is exhausted, additional funds will be required for relief in 1953-1954 and 1954-1955.

8. As regards 1953-1954, the Acting Director has recommended an increase in the relief budget over that for the previous year, in order to enable the Agency to provide shelter for refugees who have been living outside camps but whose means are now exhausted, and to distribute additional food to certain categories of refugees—in particular to young children—in order to counter the risk of malnutrition to which the experts from the Food and Agriculture Organization and the World Health Organization have drawn his attention. The delay in implementing these recommendations, and the purchase of a large quantity of one of the basic commodities at an exceptionally low price, will enable the Acting Director to reduce the plan of expenditure from \$25.7 million to \$24.8 million, which should be further adjusted through refugee employment on projects as indicated in paragraph 3 above. The Acting Director has drawn attention to the increasing difficulty of procuring adequate contributions to meet the continued and growing expenditure on relief. The host governments themselves are fully aware of this difficulty and are offering their full co-operation to ensure efficient administration.

9. For the fiscal year 1954-1955, the Acting Director and the Advisory Commission recommend the adoption of the provisional figure of \$18 million for the relief budget, subject to review at the next session of the General Assembly.

10. The Acting Director and the Advisory Commission have been invited to bring before the General Assembly a request from the Lebanese Government that it be represented on the Advisory Commission. Resolution

302 (IV) has fixed the number of members of the Advisory Commission at not more than seven and, as all the seven posts are now occupied, any addition to the present number will accordingly require an amendment to resolution 302 (IV).

11. The Acting Director has drawn attention, in his report, to the advantages to the Agency of a gradual transfer of administrative responsibility for relief to the host governments. The Advisory Commission recalls, in connexion with this question, General Assembly resolution 513 (VI) requesting the Agency "to explore with the governments concerned the desirability and practicability of transferring the administration of relief to those governments at the earliest possible date". The Advisory Commission recommends that the Director should continue his negotiations on this subject with the individual host governments and should report to the General Assembly at its next session.

12. The General Assembly is therefore invited to approve action on the following lines:

(a) To recall its resolutions 194 (III) of 11 December 1948 (in particular paragraph 11 thereof), 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952 and 614 (VII) of 6 November 1952;

(b) To extend the mandate of the Agency as an interim measure until 30 June 1955, and to agree that the problem in all its aspects shall be reviewed at the ninth session of the General Assembly;

(c) To authorize the Director to undertake a relief programme during 1953-1954 at a cost of \$24.8 million, and to introduce the additional measures outlined in the Acting Director's report;

(d) To authorize the Director to adopt a provisional budget for relief of \$18 million for the fiscal year 1954-1955 which shall be subject to review at the ninth session of the General Assembly;

(e) To increase to \$293 million, the amount of \$250 million originally envisaged in the three-year plan adopted by resolution 513 (VI), and to invite the Negotiating Committee for Extra-Budgetary Funds to initiate negotiations with Member and non-member States with a view to obtaining contributions for the additional funds required.

Director
(Signed) Leslie J. CARVER
Acting Director

The Advisory Commission
(Signed)

Arthur Z. GARDINER (United States of America)
Mahmoud RIAD (Egypt)
Henry INGRAND (France)
Yusuf HAIKAL (Hashemite Kingdom of the Jordan)
Adib DAUDY (Syria)
Adil DERINSU (Turkey)
Thomas RAPP (United Kingdom of Great Britain and Northern Ireland)

DOCUMENT A/2558

Report of the "Ad Hoc" Political Committee

[Original text: English]

[18 November 1953]

1. The General Assembly, on 8 December 1949, adopted resolution 302 (IV) establishing the United Nations Relief and Work Agency for Palestine Refugees in the Near East. The resolution requested the Director of the Agency to submit an annual report and such other reports as the Agency might wish to bring to the attention of Members of the United Nations, or its appropriate organs.

2. The General Assembly, at its 435th meeting on 17 September 1953, decided to include the report of the Director of UNRWA in its agenda, and to refer it to the Ad Hoc Political Committee for consideration and report.

3. The Acting Director of UNRWA submitted his report to the General Assembly in October 1953. This annual report, the third of the series, covers the period 1 July 1952 to 30 June 1953.² On 26 October 1953 the Acting Director and the Agency's Advisory Commission submitted a joint report (A/2470/Add.1) containing recommendations for the future work of the Agency.

4. The Ad Hoc Political Committee considered the item at its 23rd to 30th meetings between 2 and 12 November 1953.

5. At the 23rd meeting, on 2 November 1953, the Acting Director of UNRWA, at the invitation of the Committee, made a statement regarding his report and the joint report.

6. At the 25th meeting on 5 November, France, Turkey, the United Kingdom and the United States of America introduced a joint draft resolution (A/AC.72/L.12).

7. After a general discussion, the Committee, at the 30th meeting on 12 November, proceeded to vote on the above joint draft resolution. It was adopted by 46 votes to none, with 5 abstentions.

8. The Ad Hoc Political Committee therefore recommends to the General Assembly the adoption of the following resolution:

Recommendation of the Ad Hoc Political Committee

REPORT OF THE DIRECTOR OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

A

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 and 614 (VII) of 6 November 1952,

² *Ibid.*, for reports covering the periods 1 May 1950 to 30 June 1951 and 1 July 1951 to 30 June 1952 respectively, see *ibid.*, Sixth Session, Supplements Nos. 16 and 16A and *ibid.*, Seventh Session, Supplements Nos. 13 and 13A.

Having examined the report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the special report of the Director and the Advisory Commission of that Agency,

Noting that programme agreements envisaging the commitment of approximately \$120 million have been signed by UNRWA with the governments of several Near Eastern countries, pursuant to the plan endorsed by the General Assembly in resolution 513 (VI), but that expectations as regards the execution of the projects programme have not been realized,

Noting also that the situation of the refugees continues to be a matter of grave concern,

1. Decides, without prejudice to the provisions of paragraph 11 of resolution 194 (III) or to the provisions of paragraph 4 of resolution 393 (V), that the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East shall be extended until 30 June 1955, and that its programme shall be again subject to review at the ninth session of the General Assembly;

2. Authorizes the Agency to adopt a budget for relief amounting to \$24.8 million for the fiscal year ending 30 June 1954, subject to such adjustments as may be attributable to refugee employment on projects, or as may be necessary to maintain adequate standards, and to adopt a provisional budget of \$18 million for the fiscal year ending 30 June 1955;

3. Considers that the projects fund previously authorized by the General Assembly in paragraph 2 of resolution 513 (VI) should be maintained at \$200 million until 30 June 1955, and urges UNRWA and the governments of the Near Eastern countries concerned to continue to seek acceptable projects to enable the fund to be utilized for the purposes for which it is intended;

4. Requests the Negotiating Committee for Extra-Budgetary Funds to seek the funds required to meet the current needs of the relief programmes and to invite governments to take into account the need for the additional pledges which will be required to meet the total programme now established at \$292.8 million.

B

The General Assembly,

Having noted that the present membership of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, established pursuant to paragraph 8 of General Assembly resolution 302 (IV) of 8 December 1949, is composed of representatives of Egypt, France, Jordan, Syria, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Noting further that it is in the general interest that other contributing countries join the Advisory Commission,

Authorizes the Advisory Commission to increase its membership by not more than two additional members.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the draft resolution submitted by the Ad Hoc Political Committee (p. 3 of this fascicule). For the final text, see resolution 720 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2470	Annual report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East		Official Records of the General Assembly, Fifth Session, Supplement No. 12.
A/2470/Add.1	Special report of the Director and the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	1	
A/2558	Report of the "Ad Hoc" Political Committee	3	
A/AC.72/L.12	France, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution		See A/2558, para. 8.
A/RESOLUTION/132	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 720 (VIII).

GENERAL
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ANNEXES

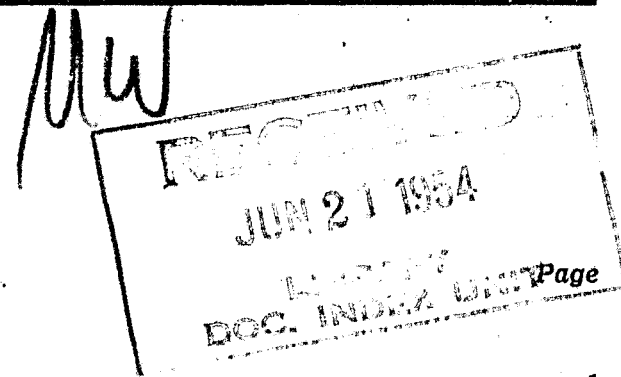
EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 20: Treatment of people of Indian origin in the Union of South Africa: report of the United Nations Good Offices Commission

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DOCUMENT A/2473

Report of the United Nations Good Offices Commission

[Original text: English]
[14 September 1953]

LETTER DATED 14 SEPTEMBER 1953, ADDRESSED TO THE SECRETARY-GENERAL BY THE UNITED NATIONS GOOD OFFICES COMMISSION TRANSMITTING ITS REPORT

In accordance with resolution 615 (VII) of 5 December 1952, establishing a United Nations Good Offices Commission to arrange and assist in negotiations between the Government of the Union of South Africa and the Governments of India and Pakistan, we hereby have the honour to submit our report to the General Assembly, as requested by the resolution.

(Signed): Leo MATES
José Miguel RIBAS
Salah Eddine TARAZI

REPORT OF THE UNITED NATIONS GOOD OFFICES COMMISSION ESTABLISHED BY GENERAL ASSEMBLY RESOLUTION 615 (VII)

1. By resolution 615 (VII) of 5 December 1952, the General Assembly established a United Nations Good Offices Commission, consisting of three members to be nominated by the President of the General Assembly, "with a view to arranging and assisting in negotiations between the Government of the Union of South Africa and the Governments of India and Pakistan in order that

a satisfactory solution of the question (of the treatment of people of Indian origin in the Union of South Africa) in accordance with the Purposes and Principles of the Charter and the Universal Declaration of Human Rights may be achieved". The Commission was requested to report to the General Assembly at its eighth session.

2. At the 411th plenary meeting on 21 December 1952, the President of the General Assembly announced that he had appointed Cuba, Syria and Yugoslavia to serve on the United Nations Good Offices Commission. The Governments of these three countries subsequently appointed the following as their representatives on the Commission: Cuba, Mr. José Miguel Ribas; Syria, Mr. Salah Eddine Tarazi; Yugoslavia, Mr. Leo Mates.

3. On 12 March 1953, the Secretary-General forwarded to the Commission a copy of a letter dated 9 March 1953 (appendix I) addressed to him by the permanent representative of India, drawing attention to measures being taken by the Government of the Union of South Africa towards implementation of the Group Areas Act.

4. At its first meeting on 20 March 1953, the Commission decided to send a letter (appendix II) to the Ministers of Foreign Affairs of India, Pakistan and the

Union of South Africa, informing them that the Commission was at the disposal of their Governments and that it would appreciate any suggestions concerning the manner in which it could render assistance, as well as any information or views which might contribute to the accomplishment of its task.

5. On 20 May 1953, the Secretary-General forwarded to the members of the Good Offices Commission a copy of a letter received by him, dated 13 May 1953 (appendix III), from the permanent representative of the Union of South Africa, which stated that the Government of the Union of South Africa regarded General Assembly resolution 615 (VII) as unconstitutional and could grant no recognition to the Commission appointed under that resolution.

6. In a note dated 9 July 1953 (appendix IV), the Minister for External Affairs of India, replying to the Commission's letter of 23 March, expressed the regret of the Government of India that the Government of the Union of South Africa had refused to recognize the Good Offices Commission. The Union Government, the note declared, had been rejecting all the resolutions of the United Nations on the question since 1946 on the plea of domestic jurisdiction; the South African Government had not only ignored those resolutions but had continued to implement its racial policies. The note contained an account of recent examples of such racial measures.

7. The Good Offices Commission regrets that, in view of the response of the Government of the Union of South Africa, it has been unable to carry out its task to arrange and assist in negotiations between the Governments concerned.

APPENDIX I

COMMUNICATION DATED 9 MARCH 1953 FROM THE PERMANENT REPRESENTATIVE OF INDIA, ADDRESSED TO THE SECRETARY-GENERAL

New York, 9 March 1953

The permanent representative of India to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit to him the following communication from the Government of India:

"According to a statement made in the South African Parliament by the Minister of the Interior, group areas will be proclaimed very shortly in a number of places. Accordingly, the Land Tenure Advisory Board has notified group area plans for various important cities including Cape Town, Durban, Port Elizabeth and Kimberley, giving very short notice to interested parties to file objections. A protest by the Natal Indian Organization against the shortness of the time allowed has gone unheeded. The public hearing of objections, which is the next step in the process of implementation of the plans, is scheduled to take place on 2, 10 and 17 March in Cape Town, Durban and Port Elizabeth respectively.

"2. One of the two main proposals in respect of Durban notified by the Board is from the Nationalist Party, which envisages practically complete removal of non-Europeans and making Durban an entirely 'white' city. The acceptance of this plan would affect 146,000 Indians, forcing them to leave their homes, established businesses and a large number of religious and cultural institutions, including temples and mosques. The value of the property to be abandoned by the Indian community in Durban is estimated at 30 million pounds. The other plan of the Durban City Council covering the residential area alone would uproot 63,000 Indians for the present. The plan for the central commercial area of Durban, which has not yet been submitted, would affect 54,000 Indians of that area. There is no provision for alternative housing and the Durban City Council plan is designed to remove Indians to undeveloped land outside the city's boundaries. Similar plans for other cities inflict hardships on Indians in varying degrees, though in smaller numbers.

"3. The Indian community is apprehending its very early removal from these group areas. The proposed zoning will inevitably cause racial bitterness and friction. The Natal Indian Congress, in a memorandum to the Land Tenure Advisory Board, has pointed out that the real intention of the Group Areas Act is to 'deprive the Indian people of their long established ownership and occupation of lands and houses' and to 'facilitate the uprooting and expatriation of unhappy South African citizens of Indian origin, or confine them to ghettos as a cheap source of labour'.

"4. The Government of India consider the present move of the South African Government aimed at causing untold misery and hardship to large numbers of persons of Indian origin in South Africa as an extremely serious matter. Not only are these measures a violation of the Purposes and Principles of the Charter of the United Nations, but they are a deliberate disregard of the resolutions of the United Nations of 1950, 1951 and 1952, recommending the non-implementation of the Group Areas Act. The Government of India have already placed before the United Nations the whole question of the treatment of persons of Indian origin in South Africa. They feel it their duty to bring these latest developments immediately to the notice of the United Nations for such action as may be deemed practicable."

It is requested that copies of this communication be circulated to all Members of the United Nations and to the Good Offices Commission established by the General Assembly by its resolution 615 (VII) of 5 December 1952.

APPENDIX II

LETTER DATED 23 MARCH 1953 FROM THE UNITED NATIONS GOOD OFFICES COMMISSION, ADDRESSED TO THE MINISTERS OF FOREIGN AFFAIRS OF INDIA, PAKISTAN AND THE UNION OF SOUTH AFRICA

New York, 23 March 1953

As you will be aware, on 21 December 1952 the President of the seventh session of the General Assembly announced that Cuba, Syria and Yugoslavia had been appointed as members of the United Nations Good Offices Commission established by General Assembly resolution 615 (VII).

Our respective Governments have appointed us to serve on the Commission and we should therefore like to inform you that we are at your disposal. It is our sincere hope that, in one way or another, we can be of some help in this matter to your Government as well as to the two other Governments concerned. We should therefore appreciate it if you would inform us as soon as possible of any suggestions your Government might have concerning the manner in which we could render assistance. We should also welcome it if you would consider it appropriate to communicate to us any information or views of your Government that might contribute to the accomplishment of the task of the Commission.

Identical letters have been sent to the two other Governments concerned.

(Signed) Leo MATES
José Miguel RIBAS
Salah Eddine TARAZI

APPENDIX III

LETTER DATED 13 MAY 1953 FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOUTH AFRICA, ADDRESSED TO THE SECRETARY-GENERAL

New York, 13 May 1953

I have the honour to refer to Assembly resolution 615 (VII) under which Cuba, Syria and Yugoslavia were appointed as members of a United Nations Good Offices Commission in connexion with the question of the alleged treatment of people of Indian origin in the Union of South Africa.

As you will be aware, the Government of the Union of South Africa have consistently held that the Indian problem in South Africa is a domestic question. I have accordingly been instructed to inform you that the Union Government regard the Assembly resolution concerned as unconstitutional and therefore regret that they can grant no recognition to the Commission appointed under that resolution.

(Signed) G. P. Jooste
Permanent representative of the Union
of South Africa to the United Nations

APPENDIX IV

LETTER DATED 9 JULY 1953 FROM THE MINISTER FOR EXTERNAL AFFAIRS OF INDIA, ADDRESSED TO THE UNITED NATIONS GOOD OFFICES COMMISSION

New Delhi, 9 July 1953

1. The Minister for External Affairs presents his compliments to the United Nations Good Offices Commission on the treatment of persons of Indian origin in the Union of South Africa and has the honour to acknowledge receipt of their letter dated 23 March 1953.

2. The Government of India had greatly welcomed the appointment of the Good Offices Commission on the question of the treatment of persons of Indian origin in the Union of South Africa as they had been earnestly looking forward to a just and equitable solution of this long standing problem. It is with deep regret, however, that they have learnt from the Secretary-General's letter dated 2 June 1953 that the Government of the Union of South Africa have refused to recognize the United Nations Good Offices Commission appointed under the resolution of 5 December 1952 of the United Nations General Assembly. As the Good Offices Commission are no doubt aware, the Union Government of South Africa have on the plea of domestic jurisdiction been rejecting all the resolutions of the United Nations on this question since 1946. This is amply borne out by the brief recapitulation given below :

(i) *The 1946 session*

The Government of the Union of South Africa enacted the Asiatic Land Tenure and Indian Representation Act, 1946, which placed restrictions on the occupation and ownership of land by Indians throughout Natal for the first time and similarly tightened restrictions in the Transvaal. The Government of India twice requested the Government of South Africa to hold a round table conference, and when they failed in so persuading them they made a complaint to the United Nations under Articles 10 and 14 of the Charter. The General Assembly passed a resolution expressing the opinion that the treatment of Indians in the Union should be in conformity with international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter and requested the two Governments to report at the next session of the General Assembly all the measures adopted by them to this end. A memorandum explaining how the Government of India made every endeavour to secure the implementation of the above resolution, and how these proved unsuccessful due to the failure on the part of the Government of South Africa to respond to the Government of India's initiative, is enclosed.¹ The Union Government refused to accept the United Nations General Assembly resolution as the basis of discussion on the plea that the matter was one of their domestic jurisdiction. This is evident from correspondence which took place between Pandit Jawaharlal Nehru and Field-Marshal Smuts.

(ii) *The 1947 session*

Both the Governments made their report to the United Nations General Assembly, the Union Government repeating their argument of domestic jurisdiction. A draft resolution recommending a round table conference between the two Governments on the basis of the resolution of 1946 was passed by the First Committee of the Assembly. It received fair support (31 members voted for, 19 against and 6 abstained), but did not secure a two-thirds majority in the General Assembly. South Africa did not consider it binding on her to take any action.

(iii) *The 1948 session*

The question was again discussed in the second part of the 1948 session of the General Assembly and the resolution passed on 14 May 1949 invited the Governments of India, Pakistan and South Africa to enter into discussions at a round table conference taking into consideration the Purposes and Principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

In pursuance of the above-mentioned resolution, the Government of India again initiated correspondence with the Government of South Africa for the holding of a round table con-

ference. The Government of South Africa, however, insisted on preliminary talks with a view to drawing up the agenda for the round table conference. These talks were held at Cape Town in February 1950, at which it was agreed to convene a round table conference "to explore all possible ways and means of settling the Indian question in the Union of South Africa". This general formula consisted of the following two specific items :

(1) Reduction of the Indian population in South Africa proposed by South Africa; and

(2) Removal of the political, social and economic disabilities of South Africans of Indo-Pakistan origin; and the provision of opportunities to them for their fullest development (proposed jointly by India and Pakistan).

But even before these preliminary talks could take place the Government of the Union of South Africa had resorted to new anti-Indian measures. Despite the agreement regarding the agenda reached at the preliminary conference, they continued to pursue these measures with vigour. In particular, anti-Indian action was taken under the Asiatic Land Tenure Amendment Act, 1949. It was also reported that the Union Government were proposing to introduce "Group Areas" legislation. This law, which enables the Government of South Africa to establish separate areas for occupation or ownership of any racial group, for purposes of residence as well as trade or business, is of a far-reaching nature and will result in the economic ruin of the Indian community. A special memorandum on this subject has already been submitted to the United Nations. A copy is attached.²

The Government of India, on 5 April 1950, requested the South African Government to stay action under the Asiatic Land Tenure Amendment Act, 1949, and to refrain from introducing legislative measures which would add to the disabilities of Indians pending the proposed round table conference.

In the correspondence that followed, the Government of South Africa refused to accede to these requests on the plea of "domestic jurisdiction". The Government of South Africa explained that the "Group Areas" legislation would be applicable to all communities, but it is clear from the joint report of the Asiatic Land Tenure Laws Amendments Committee, and the Land Tenure Act Amendments Committee (appointed by the South African Government) that the principal aim of the Act is the segregation of Indians.

They did not even accept the request of the Government of India that, if the Bill could not be postponed pending the round table conference, the conference might be held immediately before the legislation was enacted. The Government of India stressed that with the Group Areas Act on the Statute Book statutory segregation of Indians would follow, and the only purpose of the round table conference could be to discuss compulsory expatriation of Indians from South Africa. In these circumstances, the round table conference would be one-sided and its purpose would be defeated. The Union Government, however, rushed through the Group Areas Bill in Parliament (the guillotine was applied and discussion was limited to fifty-two hours in all the three stages) and it became law on 7 July 1951. The Government of India were, therefore, constrained to inform the Government of South Africa that they could not participate in the round table conference. From the replies received from the Union Government, it was clear to the Government of India that they were bent upon proceeding with their policy of *apartheid* or racial segregation which is against the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights. A copy of the White Paper issued by the Government of India containing the correspondence with South Africa and explaining how the Government of South Africa torpedoed the proposed round table conference even before it had a chance to assemble is enclosed.²

(iv) *The 1950 session*

The question came up for discussion before the General Assembly again in 1950, and on 2 December 1950 the General Assembly adopted a resolution recommending to the Governments of India, Pakistan and South Africa to hold a round table conference on the basis of their agreed agenda. In this resolution, the General Assembly, realizing the grave

¹ Not reproduced.

² Not reproduced.

situation which had arisen as a result of the passing of the Group Areas Act by the Government of the Union of South Africa, called upon it to suspend the implementation or enforcement of the Act pending the conclusion of the negotiations. The Government of India, in pursuance of this resolution, once again initiated correspondence with the Government of South Africa with a view to ascertaining whether they would agree to a round table conference, and if so, where and when. The message from the Government of India, which was sent on 3 March 1951, crossed the one sent by the Union of South Africa, dated 5 March 1951, which was a copy of their message to the Secretary-General of the United Nations wherein that Government asserted that the subject was essentially a matter of domestic jurisdiction, and that they could not accept the General Assembly resolution as providing a basis for any round table conference. They also expressed their inability to accept that part of the resolution relating to the establishment of a three-member commission to assist the parties in the event of the failure of a round table conference. They were, however, agreeable to a round table conference on the basis of the formula agreed to at the preliminary conference of February 1950. The Government of India, after referring to the reasons for which the conference could not be held in 1950, stated that the General Assembly's resolution was best designed to secure discussion of the dispute in an unprejudiced atmosphere, leading to a solution of the problem, and requested the Union Government to reconsider its decision and abide by the Assembly's resolution. The Union Government expressed its inability to partake in a round table conference on the basis of the General Assembly resolution. The Government of India thereupon reported the matter to the Secretary-General of the United Nations for such action as may be considered necessary. Despite the fact that the United Nations resolution had specifically requested the non-implementation of the Group Areas Act, the South African Government issued five proclamations under the Act, bringing its provisions into operation on 30 March 1951.

(v) *The 1951 session*

The sixth session of the United Nations General Assembly discussed this question again, and on 12 January 1952 passed a resolution which recommended the establishment of a three-member commission to assist the parties in their negotiations. The resolution also particularly called upon the Union Government to suspend the implementation or enforcement of the provisions of the Group Areas Act pending the conclusion of the negotiations.

As on previous occasions, the Union Government informed the Secretary-General that they were unable to accept the resolution as providing a basis for the resumption of negotiations "since the terms of the resolution constituted intervention in a matter which is essentially within the Union's domestic jurisdiction". They further stated that the Union Government adhered to the proposal for holding a round table conference suggested at the Cape Town Conference in February 1950. As explained above, the Government of the Union of South Africa were determined to pursue their policy of racial segregation or *apartheid* which aims at the permanent subjugation of the non-European races. By wanting to hold a round table conference *outside* the General Assembly resolution, they merely wished to explore the possibilities of repatriating the Indian population from South Africa.

The Union Government were not even prepared to use the good offices of the Secretary-General in facilitating the negotiations in terms of the United Nations resolution. On 25 September 1952, the South African Government wrote to the Secretary-General informing him that "since they are unable to recognize the jurisdiction of the United Nations in respect of this matter they are consequently unable to recognize the competence of the Organization's Secretary-General to take action in his official capacity to facilitate negotiations among the parties concerned".

(vi) *The 1952 session*

The resolution passed by the General Assembly on 5 December 1952, constituting the United Nations Good Offices Commission to arrange and assist the negotiations between the Governments of India, Pakistan and South Africa, is the last

in the series of resolutions on the subject. Even before the Good Offices Commission had been constituted, the permanent representative of the Union of South Africa made no secret of the attitude of his Government and in the 401st plenary meeting of 5 December 1952 he stated "there is nothing contained in the Charter which shall require the Members to submit such domestic matters to settlement under the Charter. I have stated clearly that, having taken the stand which my Government has taken, my Government is not prepared to settle this matter under the Charter". This speech, it is a matter for regret, was made in spite of the extremely conciliatory speech made by the representative of India in which he pointed out that the continuous disregard by the Union of South Africa of previous resolutions of the General Assembly was not calculated to advance the prestige or purposes of the United Nations and expressed the opinion that the resolution was a conciliatory approach to the Union of South Africa by which the parties concerned could be brought together to resolve their present difficulties. He ended his speech expressing the hope that the Union of South Africa would respond to the overwhelming desire of the Assembly.

3. Six to seven years of long discussions and negotiations at the United Nations have failed to settle this problem because of the persistent refusal of the South African Government to abide by the resolutions of the United Nations. The latest rejection of the United Nations resolution by the Government of South Africa amounts to the re-affirmation by them for the sixth time of their policy of racial discrimination in direct contravention of the principles of the Charter and the Universal Declaration of Human Rights. The South African Government have not only ignored the United Nations General Assembly all these years, but have continued to implement their racial policies which are not only anti-Indian but anti-non-European and which are aimed at their economic subjugation and relegation to a status of permanent inferiority.

4. The most recent examples of such racial measures taken by the South African Government are:

(a) The implementation of the Group Areas Act in direct contravention of the specific recommendations contained in the United Nations resolutions in the years 1950, 1951 and 1952. The Union Government are considering group area plans for various important cities in South Africa, including Cape Town, Durban, Johannesburg, Port Elizabeth and Kimberley. Most of these plans envisage a most complete removal of Indians and other non-Europeans from these cities to totally under-developed areas outside the city limits. The group area plans of Durban when implemented will deprive thousands of Indians of their hearths and homes and established businesses as well as of their religious and cultural institutions. The Government of India have made a special report about these developments to the Secretary-General of the United Nations, in their communication No. 532, dated 9 March 1953. More recently reports have been received that similar group area plans for the city of Johannesburg are being considered. From such information as has been disclosed so far, it is evident that Indians will not be permitted to retain any area at present occupied by them and will be asked to go to undeveloped areas. The Government have also started acquiring private properties in the western Native townships of the city. This will affect a large number of Indians living and trading in those areas. Many Indian hawkers in Johannesburg, when getting their licences renewed, are being warned that their licences will not be further renewed next year and that they must seek other employment. These developments have caused great alarm among the Indian community in Johannesburg. Moreover, there is no provision for compensation or even alternative accommodation for those who will be displaced by the implementation of the Group Areas Act.

(b) Recently, the South African Government have announced further measures aimed at causing great hardship to a large number of persons of Indian origin in South Africa. They have placed a ban on the entry into South Africa of wives and children of Indians domiciled in South Africa. Legislation to this effect is to be enacted very shortly. This step is a unilateral violation of the solemn agreements contained in the Reciprocity Resolution passed at the Imperial Conference of 1918 as well as the provisions of the Cape Town Agreement of 1927 between the Governments of India and of the Union of South Africa. Even the provisions of the Cape Town Agreement which required prior consultation

with the Government of India before giving effect to changes were disregarded by the South African Government.

(c) The Union have recently enacted the Public Safety Act and the Criminal Law Amendment Act by which they have assumed unprecedented powers to muzzle the voice of the non-Europeans in South Africa. The new acts almost make it a crime for any one to criticize publicly any act of Parliament or any policy of the Union Government. Violation of the law will entail drastic punishment, including whipping.

(d) Among the more glaring disabilities imposed on Indians and other non-Europeans in the Union is the stringent application of *apartheid* in education. In the Transvaal the new Education Ordinance provides that in future coloured children must be taught only by coloured teachers and Indian children by Indian teachers. This provision seems to be intended to foster separatism between Indian and coloured children and teachers in schools and to deny full opportunities of service and promotion in the teaching profession to Indian and non-European teachers.

5. The position of persons of Indian origin in South Africa has not improved in any manner since the issue was first raised in the United Nations. Their treatment continues to be a serious violation of the Purposes and Principles of the Charter of the United Nations and the Universal Declaration of Human Rights. The position of the Indian community in

South Africa has, if anything, deteriorated as a result of the Group Areas Act and the recent intensification by the South African Government of their policy of racial segregation. The South African Government have rejected all the resolutions passed by the General Assembly since 1946. From merely expressing an opinion in 1946 that the treatment of Indians in the Union should be "in conformity with the international obligations under the agreements between the two Governments and the relevant provisions of the Charter", to recommending in 1952 the appointment of a mediator and in 1953 a Good Offices Commission, the General Assembly has tried all methods of direct discussions between the Governments of South Africa, India and Pakistan, but the South African Government has remained intransigent. The resolutions of the United Nations General Assembly sessions of 1950, 1951 and 1952 called upon the South African Government not to implement the Group Areas Act, but that Government has enforced the Act and is going ahead with plans to demarcate group areas. Instead of correcting its policies in accordance with international opinion, the South African Government is steadily building up a social and political structure based on the doctrine of *apartheid* which in practice means the segregation of non-Europeans, the denial to them of their rights of citizenship and other human rights, and the deprivation of their very means of livelihood.

DOCUMENT A/C.5/554

Financial implications of the draft resolution adopted by the "Ad Hoc" Political Committee (A/AC.72/L.11): estimate submitted by the Secretary-General

[Original text: English]
[4 November 1953]

1. The draft resolution adopted by the Ad Hoc Political Committee on 28 October 1953 and contained in document A/AC.72/L.11 has financial implications in so far as paragraph 7, which proposes continuation of the Good Offices Commission established by General Assembly resolution 615 (VII), is concerned.

2. This paragraph of the draft resolution could be implemented at no additional cost if the proceedings of the Commission were conducted at United Nations Headquarters, on the assumption that members would continue to consist of governmental representatives drawn from permanent delegations located in New York. On the other hand, if the Commission were to undertake inquiries away

from Headquarters, additional funds would be required to cover the travel and subsistence costs of members and of necessary servicing staff as well as for miscellaneous expenses.

3. To provide for such eventualities, the Secretary-General proposes that the same arrangement be made as that authorized for 1953, namely, including in the resolution relating to unforeseen and extraordinary expenses for 1954, after sub-paragraph (b), a sub-paragraph reading as follows: "Such commitments, not exceeding a total of \$50,000, as are required for the United Nations Good Offices Commission on the treatment of people of Indian origin in the Union of South Africa." No expenses have been incurred for this purpose in 1953.

DOCUMENT A/2532

Report of the "Ad Hoc" Political Committee

[Original text: English]
[30 October 1953]

1. The General Assembly has considered the question of the treatment of people of Indian origin in the Union of South Africa at its first, second, third, fifth, sixth and seventh sessions. At the seventh session, the General Assembly, on 5 December 1952, adopted resolution 615 (VII) regarding the question. The resolution established a United Nations Good Offices Commission consisting of three members to be nominated by the President of the General Assembly, with a view to arranging and assisting in negotiations between the Government of the Union of South Africa and the Governments of India and Pakistan in order that a satisfactory solution of the question in accordance with the Purposes and Principles

of the Charter and Universal Declaration of Human Rights might be achieved. The Commission was requested to report to the General Assembly at its eighth session. At the 411th plenary meeting on 21 December 1952, the President announced that he had appointed the following members to serve on the Good Offices Commission: Cuba, Syria and Yugoslavia.

2. In its report to the General Assembly (A/2473), submitted on 14 September 1953, the Good Offices Commission stated that, on 20 March 1953, it had sent a letter to the Ministers for Foreign Affairs of India, Pakistan and the Union of South Africa informing them that the

Commission was at their disposal and that it would appreciate any suggestions concerning the manner in which it could render assistance, as well as any information or views which might contribute to the accomplishment of its task. On 20 May, the Secretary-General forwarded to the members of the Commission a copy of a letter addressed to him on 13 May by the permanent representative of the Union of South Africa, stating that the Union Government regarded General Assembly resolution 615 (VII) as unconstitutional and could grant no recognition to the Commission appointed under that resolution. The Good Offices Commission informed the General Assembly that, in view of the response of the Government of the Union of South Africa, it had been unable to carry out its task to arrange and assist in negotiations between the Governments concerned.

3. Pursuant to the final paragraph of resolution 615 (VII), the question was placed on the provisional agenda of the eighth session of the General Assembly.

4. On 17 September, the General Assembly at its 435th plenary meeting rejected, by 45 votes to 1, with 11 abstentions, a proposal to exclude the item from the agenda. The item was thereupon referred to the *Ad Hoc* Political Committee for consideration and report.

5. The *Ad Hoc* Political Committee considered the question at its 13th to 22nd meetings, held between 16 and 29 October 1953.

6. At the 13th meeting of the Committee, on 16 October, the representative of India introduced a joint draft resolution (A/AC.72/L.10) sponsored by Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria and Yemen. Under the terms of the draft resolution, as subsequently revised by its sponsors (A/AC.72/L.10/Rev.1), the General Assembly would: (1) recall that it had given consideration to the question at six earlier sessions;³ (2) recall its previous resolutions on the subject;⁴ (3) recall that resolutions 395 (V), 511 (VI) and 615 (VII) had successively called on the Government of the Union of South Africa to refrain from implementing or enforcing the Group Areas Act; (4) take note of the report of the Good Offices Commission, and in particular the Commission's conclusion that, in view of the response of the Government of the Union of South Africa, it had been unable to carry out its task to arrange and assist in negotiations between the Governments concerned; (5) express its regret that the South African Government (a) had refused to make use of the Commission's good offices or to utilize any of the alternative procedures for the settlement of the problem recommended by the four previous resolutions of the General Assembly; (b) had continued to implement the Group Areas Act in contravention of the provisions of three previous resolutions; and (c) was proceeding with further legislation contrary to the Charter and the Universal Declaration of Human Rights, including the Immigrants Regulation Amendment Bill, which sought to prohibit the entry into South Africa of wives and children of South African nationals of Indian origin; (6) consider that those actions of the Union Government were not in keeping with its obligations and responsibilities under the Charter of the United Nations; (7) decide to continue the Good Offices Commission and urge the Government of the Union of South Africa to co-operate with that Commission; (8) request the Commission to report to the next session the extent of progress achieved together with its own views on the problem and any proposals which in its opinion might lead to a peaceful settlement

of it; (9) again call upon the Government of the Union of South Africa to refrain from implementing the provisions of the Group Areas Act; and (10) decide to include the item in the provisional agenda of its ninth regular session.

7. At the 21st meeting on 28 October, the representative of Costa Rica submitted an oral amendment to the joint draft resolution under which, in paragraph 5, subparagraph (b), the words "in spite of" would be substituted for the words "in contravention of". This amendment was accepted by the representative of India on behalf of the sponsors of the joint draft resolution.

8. At the same meeting, the Committee proceeded to vote, paragraph by paragraph, on the amended joint draft resolution with the following results:

Paragraph 1 was adopted by 48 votes to 1, with 7 abstentions;

Paragraph 2, subparagraph (a), was adopted by 49 votes to 3, with 7 abstentions;

Paragraph 2, subparagraph (b), was adopted by 50 votes to 1, with 7 abstentions;

Paragraph 2, subparagraph (c), was adopted by 47 votes to 1, with 10 abstentions;

Paragraph 2, subparagraph (d), was adopted by 47 votes to 1, with 11 abstentions;

Paragraph 2, subparagraph (e), was adopted by 47 votes to 1, with 11 abstentions;

Paragraph 3 was adopted by 40 votes to 5, with 12 abstentions;

Paragraph 4 was adopted by 45 votes to 1, with 12 abstentions;

Paragraph 5, subparagraph (a), was adopted by 40 votes to 10, with 8 abstentions;

Paragraph 5, subparagraph (b), was adopted by 34 votes to 10, with 15 abstentions;

Paragraph 5, subparagraph (c), was adopted by 32 votes to 15, with 11 abstentions;

Paragraph 6 was adopted by 32 votes to 10, with 16 abstentions;

Paragraph 7 was adopted by 46 votes to 4, with 8 abstentions;

Paragraph 8, up to and including the words "progress achieved" was adopted by 44 votes to 7, with 6 abstentions;

The remainder of paragraph 8 was adopted by a roll-call vote of 37 to 13, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

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

Abstaining: Canada, Colombia, Dominican Republic, Iceland, Israel, Paraguay, Thailand, Turkey, Venezuela.

Paragraph 9 was adopted by 33 votes to 10, with 15 abstentions;

Paragraph 10 was adopted by 45 votes to 10, with 4 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 38 to 2, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa

³ The first, second, third, fifth, sixth and seventh.

⁴ Resolutions 44 (I), 265 (III), 395 (V), 511 (VI) and 615 (VII).

Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Yemen, Yugoslavia.

Against: Greece, Union of South Africa.

Abstaining: Argentina, Australia, Belgium, Canada, Colombia, Denmark, Dominican Republic, France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Norway, Peru, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Venezuela.

Recommendation of the Ad Hoc Political Committee

9. The *Ad Hoc Political Committee*, therefore, recommends to the General Assembly the adoption of the following draft resolution:

TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The General Assembly,

1. *Recalls* that at its first, second, third, fifth, sixth and seventh sessions it has given consideration to the question of the treatment of people of Indian origin in the Union of South Africa;

2. *Further recalls*:

(a) That resolution 44 (I) of 8 December 1946 expressed the opinion that the treatment of Indians in the Union of South Africa should be in conformity with the international obligations under the agreements concluded between the Governments of India and the Union of South Africa and the relevant provisions of the Charter and requested the two Governments to report to the General Assembly on the measures adopted to this effect;

(b) That resolution 285 (III) of 14 May 1949 invited the Governments of India, Pakistan and the Union of South Africa to enter into discussion at a round table conference, taking into consideration the Purposes and Principles of the Charter and the Universal Declaration of Human Rights;

(c) That resolution 395 (V) of 2 December 1950 held that a policy of "racial segregation" (*apartheid*) was necessarily based on doctrines of racial discrimination; repeated its recommendation that a round table conference be held; and further recommended that in the event of failure to hold a conference or reach agreement thereat, a commission of three members be set up to assist the parties in carrying through appropriate negotiations;

(d) That resolution 511 (VI) of 12 January 1952 reaffirmed the recommendation of resolution 395 (V) that a three-member commission be established and further requested the Secretary-General, in the event of failure to establish such a commission, to lend his assistance to

the Governments concerned and if necessary to appoint an individual who would render any additional assistance deemed advisable;

(e) That resolution 615 (VII) of 5 December 1952 established a three-member United Nations Good Offices Commission to arrange and assist in negotiations between the Governments concerned in order that a satisfactory solution in accordance with the Purposes and Principles of the Charter and the Universal Declaration of Human Rights might be achieved;

3. *Also recalls* that resolutions 395 (V), 511 (VI) and 615 (VII) successively called on the Government of the Union of South Africa to refrain from implementing or enforcing the Group Areas Act;

4. *Takes note* of the report of the Good Offices Commission (A/2473), and in particular its conclusion that "in view of the response of the Government of the Union of South Africa, it has been unable to carry out its task to arrange and assist in negotiations between the Governments concerned";

5. *Expresses its regret* that the Government of the Union of South Africa:

(a) Has refused to make use of the Commission's good offices or to utilize any of the alternative procedures for the settlement of the problem recommended by the four previous resolutions of the General Assembly;

(b) Has continued to implement the provisions of the Group Areas Act in spite of the provisions of three previous resolutions; and

(c) Is proceeding with further legislation contrary to the Charter and the Universal Declaration of Human Rights including the Immigrants Regulation Amendment Bill which seeks to prohibit the entry into South Africa of wives and children of South African nationals of Indian origin;

6. *Considers* that these actions of the Government of the Union of South Africa are not in keeping with its obligations and responsibilities under the Charter of the United Nations;

7. *Decides* to continue the Good Offices Commission and urges the Government of the Union of South Africa to co-operate with that Commission;

8. *Requests* the Commission to report to the General Assembly at its next regular session the extent of progress achieved, together with its own views on the problem and any proposals which, in its opinion, may lead to a peaceful settlement of it;

9. *Again calls upon* the Government of the Union of South Africa to refrain from implementing the provisions of the Group Areas Act;

10. *Decides* to include this item in the provisional agenda of the ninth session of the General Assembly.

DOCUMENT A/2547

Financial implications of the draft resolution submitted by the "Ad Hoc" Political Committee (A/2532): report of the Fifth Committee

[Original text: English]
[7 November 1953]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request made by the President of the General Assembly in a letter to the Chairman of the Fifth Committee dated 30 October 1953, the Fifth Committee, at its 403rd meeting on 6 November 1953, considered the financial implications of the draft resolution submitted by the *Ad Hoc* Political Committee (A/2532) on the item "Treatment of people of Indian origin in the Union of South Africa: report of the United Nations Good Offices Commission".

2. The Fifth Committee had before it a report by the Secretary-General (A/C.5/554), in addition to which it heard an oral statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions conveying the views of the Advisory Committee on the financial implications of the draft resolution in question.

3. The Fifth Committee decided, by 42 votes to 1, with 5 abstentions, to inform the General Assembly as follows:

(i) Continuation of the Good Offices Commission as established by the General Assembly under resolution 615 (VII) of 5 December 1952 would involve no additional cost, should the Commission conduct its proceedings at

United Nations Headquarters and provided its membership would continue to consist of governmental representatives drawn from permanent delegations located in New York.

(ii) If, on the other hand, the Commission were to undertake inquiries away from Headquarters, additional funds would be required to cover the travel and subsistence costs of members and of the necessary servicing staff, as well as for miscellaneous expenses;

(iii) In the event of such expenditures being incurred, they should be met by advances not exceeding a total of \$50,000 from the Working Capital Fund.

4. The Fifth Committee further decided that, should the General Assembly adopt the draft resolution submitted by the *Ad Hoc* Political Committee, the same arrangement should be made as that authorized for 1953, namely, that an appropriate paragraph would be included in the draft resolution relating to unforeseen and extraordinary expenses, authorizing the Secretary-General to enter into such commitments, not exceeding a total of \$50,000, as may be required for the United Nations Good Offices Commission on the treatment of people of Indian origin in the Union of South Africa.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 457th plenary meeting, on 11 November 1953, the General Assembly adopted the draft resolution submitted by the *Ad Hoc* Political Committee (p. 7 of this fascicule). For the final text, see resolution 719 (VIII).

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A/AC.72/L.10	Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria and Yemen: draft resolution		See A/2532, para. 6
A/AC.72/L.10/Rev.1	Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria and Yemen: revised draft resolution		See A/2532, para. 6
A/AC.72/L.11	Draft resolution adopted by the <i>Ad Hoc</i> Political Committee at its 21st meeting on 28 October 1953		See A/2532, para. 9
A/C.5/554	Financial implications of the draft resolution adopted by the "Ad Hoc" Political Committee (A/AC.72/L.11): estimate submitted by the Secretary-General	5	
A/RESOLUTION/131	Resolution adopted by the General Assembly at its 457th plenary meeting on 11 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 719 VIII

GENERAL ASSEMBLY



ANNEXES

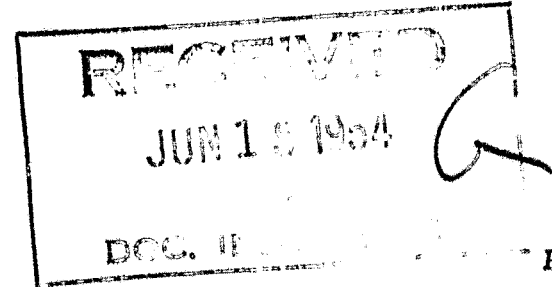
EIGHTH SESSION

Official Records

HEADQUARTERS, NEW YORK, 1953

Agenda item 21 : The question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Union of South Africa : report of the Commission appointed to study the racial situation in the Union of South Africa

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DOCUMENT A/2610

Report of the "Ad Hoc" Political Committee

[Original text : English]
[7 December 1953]

1. On 5 December 1952, during its seventh session, the General Assembly adopted resolution 616 A (VII) establishing a Commission, consisting of three members, to study the racial situation in the Union of South Africa in the light of the purposes and principles of the Charter, with due regard to the provision of Article 2, paragraph 7, as well as the provisions of Article 1, paragraphs 2 and 3, Article 13, paragraph 1 b, Article 55 c and Article 56 of the Charter, and the resolutions of the United Nations on racial persecution and discrimination, and to report its conclusions to the General Assembly at its eighth session.

2. On 30 March 1953, the General Assembly decided, at the suggestion of the President, that the Commission should consist of Mr. Dantès Bellegarde, Mr. Henri Laugier and Mr. Hernan Santa Cruz.

3. By a letter dated 6 January 1953, the Secretary-General had transmitted the text of the resolution to the Government of the Union of South Africa. By a communication dated 8 July 1953, the deputy permanent representative of the Union of South Africa to the United Nations replied to the Secretary-General that since the Union Government had consistently regarded the question of the Union's racial policy as a domestic matter, they regarded resolution 616 (VII) as unconstitutional and that they could not therefore recognize the Commission established thereunder.

4. In accordance with resolution 616 A (VII), the item was placed on the provisional agenda of the eighth session of the General Assembly.

5. On 17 September 1953, at its 435th meeting, the General Assembly, after considering the recommendation of the General Committee, decided to include the item in the agenda, and referred it to the Ad Hoc Political Committee for consideration and report.

6. On 3 October 1953, the Commission submitted to the eighth session of the General Assembly a report (A/2505, A/2505/Add.1 and Corr.1 and 2) in accordance with resolution 616 A (VII).

7. The Ad Hoc Political Committee considered the question at its 31st to 43rd meetings, held between 20 November and 5 December 1953.

8. At the 31st meeting on 20 November, Mr. Hernan Santa Cruz, the Chairman and Rapporteur of the United Nations Commission appointed to study the racial situation in the Union of South Africa, with the consent of the Committee, was invited to take a seat at the Committee table. In this connexion, the representative of the Union of South Africa had stated that, if the Commission were represented at the discussions of the Committee, the presence of his delegation must not be construed as recognition by the Union Government of the Commission, which it continued to regard as unconstitutional. At that meeting, the Chairman and Rapporteur made a statement introducing the Commission's report; at subsequent meetings he gave certain clarifications of the report and replied to references to it made by various members of the Committee.

9. At the 32nd meeting on 23 November, the Union of South Africa introduced a draft resolution (A/AC.72/L.13) whereby the *Ad Hoc* Political Committee, (1) noting that the matters to which the item related and which were referred to in documents A/2183 and A/2505, such as the policies and legislation of a Member State in regard to land tenure, conditions of employment in public services, regulation of transport, suppression of communism, combat service in the armed forces, nationality, the franchise, movement of population, residence, immigration, the work and practice of the professions, social security, education, public health, criminal law, taxation, housing, regulation of the liquor traffic, regulation of labour and wages, marriage, food subsidies, local government, pensions, workmen's compensation, were among matters which were essentially within the domestic jurisdiction of a Member State; (2) noting, further, that by Article 2, paragraph 7, of the Charter nothing contained in the Charter should authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State; (3) would decide that the *Ad Hoc* Political Committee had no competence to intervene in the matters listed above to which the said item related.

10. At the 33rd meeting on 24 November, the representative of India introduced a seventeen-Power joint draft resolution (A/AC.72/L.14) sponsored by Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Syria, Saudi Arabia and Yemen. Under the operative part¹ of that resolution the General Assembly would (1) express appreciation of the work of the Commission; (2) request the Commission (a) to continue its study of the development of the racial situation in the Union of South Africa; (i) with reference to the various implications of that situation for the populations affected; (ii) in relation to the provisions of the Charter and in particular to Article 14; and (b) to suggest measures which would help to alleviate the situation and promote a peaceful settlement; (3) invite the Union Government to extend its full co-operation to the Commission; (4) request the Commission to report to the General Assembly at its ninth session.

11. At the 37th meeting on 1 December 1953, Chile introduced an amendment (A/AC.72/L.15) to the joint draft resolution (A/AC.72/L.14) which would add, after the preamble and before paragraph 1 of the operative part, a new paragraph reaffirming resolutions 103 (I) of 19 November 1946, 377 A (V), section E, of 3 November 1950, and 616 B (VII) of 5 December 1952.

12. At the 42nd meeting on 5 December 1953, the representative of Uruguay introduced another amendment, sponsored by Chile and Uruguay, to the joint draft resolution (A/AC.72/L.14) which would add after paragraph 2 of the operative part a new paragraph deciding that members of the Commission unable to continue their membership should, if the General Assembly were not sitting, be replaced by the President of the General Assembly in consultation with the Secretary-General. The representative of Uruguay subsequently withdrew the amendment in agreement with the representative of Chile with the explanation that the problem could be dealt with when the General Assembly took up the Committee's report.

13. The Committee proceeded to vote on the draft resolutions and the amendment to the joint draft resolution.

14. The representative of Bolivia proposed under rule 128 of the rules of procedure that the draft resolution (A/AC.72/L.13) submitted by the Union of South Africa

should be voted on paragraph by paragraph. The motion was rejected by 20 votes to 15, with 16 abstentions.

15. The draft resolution submitted by the Union of South Africa was then rejected by a roll-call vote of 42 to 7, with 7 abstentions. The voting was as follows:

In favour: Australia, Belgium, Colombia, France, Greece, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Against: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Yemen, Yugoslavia.

Abstaining: Argentina, Canada, Netherlands, New Zealand, Peru, Turkey, Venezuela.

16. The joint draft resolution (A/AC.72/L.14) and the amendment thereto were then voted on, paragraph by paragraph, with the following results:

PREAMBLE

The first paragraph of the preamble was adopted by 41 votes to 7, with 7 abstentions.

The second paragraph was adopted by 38 votes to 9, with 9 abstentions.

Sub-paragraph (a) of the third paragraph was adopted by 40 votes to 8, with 6 abstentions.

Sub-paragraph (b) of the third paragraph was adopted by 33 votes to 8, with 14 abstentions.

The fourth paragraph was adopted by 40 votes to 8, with 7 abstentions.

The fifth paragraph was adopted by 36 votes to 10, with 7 abstentions.

The sixth paragraph was adopted by 37 votes to 10, with 8 abstentions.

The amendment of Chile (A/AC.72/L.15) was adopted by 41 votes to 4, with 7 abstentions.

OPERATIVE PART

Paragraph 1 of the operative part was adopted by a roll-call vote of 39 to 7, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Greece, Netherlands, New Zealand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Canada, Colombia, Denmark, France, Norway, Peru, Sweden, Turkey, United States of America, Venezuela.

Sub-paragraph (a) (i) of paragraph 2 was adopted by a roll-call vote of 37 to 14, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thai-

¹ For text of the preamble see paragraph 20.

land, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, China, Colombia, Denmark, France, Greece, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Norway, Peru, Turkey, Venezuela.

The first part of sub-paragraph (a) (ii) of paragraph 2, reading: "In relation to the provisions of the Charter", was adopted by 36 votes to 11, with 5 abstentions.

The second part of sub-paragraph (a) (ii) of paragraph 2, reading: "and in particular to Article 14; and", was adopted by a roll-call vote of 29 to 14, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Egypt, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, China, Colombia, Denmark, France, Greece, Israel, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Brazil, Costa Rica, Cuba, Ecuador, El Salvador, Honduras, Iceland, Norway, Peru, Turkey, United States of America, Venezuela.

Sub-paragraph (b) of paragraph 2 was adopted by a roll-call vote of 35 to 14, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, France, Greece, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Israel, Norway, Peru, Turkey, United States of America, Venezuela.

Paragraph 3 was adopted by 36 votes to 10, with 7 abstentions.

Paragraph 4 was adopted by 37 votes to 11, with 7 abstentions.

The draft resolution as a whole, as amended, was adopted by a roll-call vote of 37 to 10, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Colombia, France, Greece, Netherlands, New Zealand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, China, Denmark, Norway, Peru, Sweden, Turkey, United States of America, Venezuela.

17. At the request of the representative of Mexico, it was agreed at the 43rd meeting that the report of the Committee should note, by reference to the summary records, the positions taken by such delegations as so desired, on the question of domestic jurisdiction in the context of the draft resolution submitted by the Union

of South Africa. The delegations which have signified their desire that their positions should be so noted and the summary records in which their positions are recorded are as follows: Bolivia, A/AC.72/SR.39, 42 and 43; Brazil, A/AC.72/SR.43; Chile, A/AC.72/SR.43; Cuba, A/AC.72/SR.42; Ecuador, A/AC.72/SR.42; El Salvador, A/AC.72/SR.42; Ethiopia, A/AC.72/SR.42; Mexico, A/AC.72/SR.37 and 42; Pakistan, A/AC.72/SR.43; and United States of America, A/AC.72/SR.37 and 42.

18. The representative of the Union of South Africa requested that reference should be made to the summary records in which his position in regard to his draft resolution (A/AC.72/L.13) was stated: Union of South Africa, A/AC.72/SR.32, 35, 41 and 43.

19. The representative of Belgium requested that his position in regard to Article 2, paragraph 7, of the Charter should, by reference to the summary records, be noted in the report of the Committee: Belgium, A/AC.72/SR.32.

Recommendation of the Ad Hoc Committee

20. As a result of the voting, the *Ad Hoc* Political Committee recommends to the General Assembly the adoption of the following draft resolution:

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA RESULTING FROM THE POLICIES OF *apartheid* OF THE GOVERNMENT OF THE UNION OF SOUTH AFRICA

The General Assembly,

Having considered the report of the United Nations Commission on the Racial Situation in the Union of South Africa established under resolution 616 A (VII) of 5 December 1952,

Noting with concern that the Commission, in its study of the racial policies of the Government of the Union of South Africa, has concluded that these policies and their consequences are contrary to the Charter and the Universal Declaration of Human Rights,

Noting that the Commission had also concluded that

(a) "It is highly unlikely, and indeed improbable, that the policy of *apartheid* will ever be willingly accepted by the masses subjected to discrimination", and

(b) That the continuance of this policy would make peaceful solutions increasingly difficult and endanger friendly relations among nations,

Noting further that the Commission considers it desirable that the United Nations should request the Government of the Union of South Africa to reconsider the components of its policy towards various ethnic groups,

Considering that in the Commission's own opinion, the time available was too short for a thorough study of all the aspects of the problems assigned to it,

Considering also the Commission's view that one of the difficulties encountered by it was the lack of co-operation from the Government of the Union of South Africa and, in particular, its refusal to permit the Commission to enter its territory,

1. *Reaffirms* its resolutions 103 (I) of 19 November 1946, 377 A (V), section E, of 3 November 1950 and 616 B (VII) of 5 December 1952, particularly the passages in those resolutions which state respectively that "it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination"; that "enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in

the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries"; and that "in a multi-racial 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 economic, social, cultural and political participation of all racial groups is on a basis of equality";

2. Expresses appreciation of the work of the United

Nations Commission on the Racial Situation in the Union of South Africa;

3. Requests the Commission

(a) To continue its study of the development of the racial situation in the Union of South Africa:

(i) With reference to the various implications of the situation on the populations affected;

(ii) In relation to the provisions of the Charter and in particular to Article 14; and

(b) To suggest measures which would help to alleviate the situation and promote a peaceful settlement;

4. Invites the Government of the Union of South Africa to extend its full co-operation to the Commission;

5. Requests the Commission to report to the General Assembly at its ninth session.

DOCUMENT A/2611

Financial implications of the draft resolution submitted by the "Ad Hoc" Political Committee (A/2616): report of the Fifth Committee

[Original text: English]
[6 December 1953]

1. In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee, at its 424th meeting held on 5 December 1953, considered the financial implications of the draft resolution proposed by the Ad Hoc Political Committee requesting the Commission appointed to study the racial situation in the Union of South Africa to continue its study of the development of the racial situation, to suggest measures which will help alleviate the situation, and to report to the General Assembly at its ninth session.

2. The Secretary-General invited the Fifth Committee's attention to the fact that the scope of the activities of the Commission in 1954 cannot clearly be foreseen. Accordingly, he proposed that expenditures in respect of

the Commission should be met by advances from the Working Capital Fund. The Committee noted that a similar procedure was followed for 1953 and that the expenses for that year are estimated at \$35,000 plus the cost of printing the Committee's report in five languages, at an estimated additional cost of \$15,000.

3. The Fifth Committee therefore decided that, in the event of the adoption by the General Assembly of the resolution proposed by the Ad Hoc Political Committee, the draft resolution relating to unforeseen and extraordinary expenses for 1954 should be amended by the inclusion of an additional sub-paragraph reading as follows: "Such commitments not exceeding a total of \$50,000 as are required for the Commission on the racial situation in the Union of South Africa".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 469th plenary meeting, on 8 December 1953, the General Assembly adopted the draft resolution submitted by the Ad Hoc Political Committee (p. 3 of this fascicule), with the amendment proposed by Chile and Uruguay at the meeting. For the final text, see resolution 721 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2505 A/2505/Add.1 and Corr.1 and 2	Report of the United Nations Commission appointed to study the racial situation in the Union of South Africa		Official Records of the General Assembly, Eighth Session, Supplement No. 16
A/2610	Report of the "Ad Hoc" Political Committee	1	
A/2610	Financial implications of the draft resolution submitted by the "Ad Hoc" Political Committee (A/2610) : report of the Fifth Committee	4	
A/L.172	Union of South Africa : draft resolution		Incorporated in the verbatim record of the 469th plenary meeting
A/AC.72/L.13	Union of South Africa : draft resolution		See A/2610, para. 9
A/AC.72/L.14	Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Syria, Saudi Arabia and Yemen : draft resolution		See A/2610, para. 10
A/AC.72/L.15	Chile : amendment to the draft resolution submitted by Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Syria, Saudi Arabia and Yemen (A/AC.72/L.14)		See A/2610, para. 11
A/AC.72/L.16	Draft resolution adopted by the Ad Hoc Committee at its 42nd meeting on 5 December 1953		See A/2610, para. 20
A/RESOLUTION/171	Resolution adopted by the General Assembly at its 469th plenary meeting on 8 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 721 (VIII)

GENERAL ASSEMBLY

Official Records



ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 22: Admission of new Members: report of the Special Committee on Admission of New Members

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DOCUMENT A/2400

Report of the Special Committee on Admission of New Members

[Original text: English]
[25 June 1953]

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I. Introduction

1. On 21 December 1952, the General Assembly adopted resolution 620A (VII) concerning the admission of new Members whereby it resolved:

(1) To establish a Special Committee composed of a representative of each of the following Member States: Argentina, Belgium, Canada, China, Colombia, Cuba, Egypt, El Salvador, France, Greece, Lebanon, the Netherlands, New Zealand, Norway, Peru, the Philippines, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

(2) To instruct the Special Committee to make a detailed study of the question of the admission of States to membership in the United Nations, examining the proposals and suggestions which had been made in the General Assembly and its Committees or which might be submitted to the Special Committee by any Members of the United Nations, such study to be conducted in the light of the relevant provisions of the Charter of the United Nations, the discussions in the General Assembly and its Committees, the debates in the Security Council, the advisory opinions of the International Court of Justice, the other antecedents of the question and the principles of international law;

(3) To request the Special Committee to submit a report on its work and its conclusions to the General Assembly at its eighth session and to transmit that report to the Secretary-General in time for distribution to Member States at least two months before the opening of the eighth session (see annex 1).

2. The Special Committee held eleven meetings¹ at the Headquarters of the United Nations from 31 March to 15 June 1953. At its eleventh and last meeting it unanimously approved the present report.

3. The members appointed by the General Assembly to the Special Committee were represented during the meetings as follows:

Argentina: Mr. Enrique Ferrer Vieyra (representative);

Belgium: Mr. Joseph Nisot (representative);

Canada: Mr. D. M. Johnson (representative);

China: Mr. Tingfu F. Tsiang (representative); Mr. Shuhsi Hsu, Mr. H. C. Kiang (alternates);

Colombia: Mr. Carlos Echeverri Cortes (representative);

Cuba: Mr. José Miguel Ribas (representative);

Egypt: Mr. Aly Kamel Fahmy (representative);

El Salvador: Mr. Miguel Rafael Urquía (representative); Mr. Carlos Serrano García (alternate);

France: Mr. Pierre Ordonneau (representative);

Greece: Mr. Alexis Kyrou (representative);

Lebanon: Mr. Edward Rizk (representative);

Netherlands: Mr. D. J. Von Balluseck (representative); Baron D. W. Van Lynden, Mr. H. Scheltema (alternates);

New Zealand: Mr. Leslie Knox Munro (representative); Mr. A. R. Perry, Mr. J. V. Scott (alternates);

Norway: Mr. Hans Engen (representative); Mr. Erik Dons (alternate);

Peru: Mr. Carlos Holguin de Laval (representative);

Philippines: Mr. Salvador P. López (representative);

Union of South Africa: Mr. J. R. Jordaan (representative); Mr. M. I. Botha, Mr. J. J. Theron (alternates);

United Kingdom of Great Britain and Northern Ireland: Sir Gladwyn Jebb (representative); Mr. P. M. Crosthwaite, Mr. P. S. Laskey (alternates);

United States of America: Mr. Henry Cabot Lodge, Jr. (representative); Mr. James J. Wadsworth, Mr. Paul Taylor, Mr. Milton K. Wells (alternates).

4. Mr. Miguel Rafael Urquía (El Salvador) was elected Chairman, Mr. Salvador P. López (Philippines) was elected Vice-Chairman and Mr. Hans Engen (Norway) was elected Rapporteur.

5. At the first meeting, the Secretary-General was requested to submit a memorandum on the historical background of the question of the admission of new Members in order to assist the Committee in its work. The memorandum was distributed on 22 April 1953.²

6. At its second meeting on 12 May, the Committee decided to hold a brief general discussion prior to discussing the proposals referred to it and any proposals or suggestions which might be made in the course of its work.

7. After the general debate, the Special Committee, at its fifth meeting on 22 May, agreed that, for convenience of discussion, the various proposals and suggestions referred to the Committee by the Assembly or made in the Committee itself should be separated into two groups.

II. Proposals and suggestions

A. FIRST GROUP

8. The first group consisted of the following proposals and suggestions:

(1) The draft resolution submitted by Peru in the *Ad Hoc* Political Committee during the seventh session (see annex 2).

The resolution provided, *inter alia*, that the General Assembly should consider (i) that it appeared from the proceedings in the Security Council that vetoes had been pronounced on applicant States, which had been recognized unanimously as fulfilling the conditions governing admission, under the influence of motives outside the scope of Article 4 of the Charter and hence in

conflict with the advisory opinion of the International Court of Justice of 28 May 1948; (ii) that the principle of universality which underlay the Charter might not be restricted by such arbitrary application of the unanimity rule as indefinitely to exclude from membership qualified applicant States; (iii) that there were sound reasons for claiming that that rule, being an exception, should only be applied restrictively and hence only in the cases involving the functions exclusively vested in the Security Council; (iv) that, in the matter of the admission of new Members, as shown by the records of the San Francisco Conference, the final decision lay with the Assembly, and that accordingly the Council's recommendation, though necessary, was a previous step

¹ A/AC.64/SR.1-11.

² A/AC.64/L.1.

or a procedural stage which did not require the application of the unanimity rule; (v) that, even if that rule were applicable to the Council's recommendation, it would be inadmissible in cases involving a violation of the Charter, such as would be constituted by accepting a veto to the admission of new Members acknowledged, by the Power exercising the veto, as eligible within the meaning of Article 4; and (vi) that the General Assembly resolution entitled "Uniting for Peace", approved almost unanimously by the General Assembly, had laid down the doctrine that the exercise of the veto by a Power could not paralyse the Organization or relieve the General Assembly of its responsibilities under the Charter. Accordingly, the General Assembly would resolve to note that the opinions, votes and proposals laid before the Council concerning the admission of new Members signified that the States concerned were unanimously recognized as fulfilling the conditions required for membership under Article 4, and to consider each of the applications of those States in the light of the Purposes and Principles of the Charter and of the above circumstances.

(2) The joint draft resolution submitted by Costa Rica, El Salvador, Honduras and Nicaragua in the *Ad Hoc* Political Committee (see annex 3).

The joint draft resolution provided, *inter alia*, that the General Assembly, (i) considering that it was essential for the purposes of the United Nations to facilitate the admission of new Members which fulfilled the conditions laid down by the Charter; (ii) deducing from the San Francisco Statement of 7 June 1945 that the admission of new Members was not subject to the veto but was to be dealt with by procedural vote of any seven members of the Council because, although it might be connected with the maintenance of international peace and security, it did not involve taking direct measures relating thereto; (iii) considering that the expression "a procedural vote" was itself proof that the subjects to which it referred might not be procedural matters in the strict sense of the term; and (iv) considering that the General Assembly, as the organ chiefly responsible for deciding on applications for membership, had the right and also the duty to decide on the pending applications in accordance with that criterion; (v) would consider separately each pending application and decide in favour of or against admission in accordance with the merits of each case and the results of a vote taken in the Security Council in conformity with Article 27, paragraph 2, of the Charter.

(3) An amendment by Argentina to the joint draft resolution, also submitted in the *Ad Hoc* Political Committee (see annex 4).

The amendment provided, *inter alia*, for a reference to the interpretation by the Advisory Committee of Jurists at the San Francisco Conference, an interpretation subsequently approved by Committee II and the Conference itself, to the effect that the powers of the Assembly to "reject a recommendation to the effect that a given State should not be admitted to the United Nations" and accordingly to decide favourably on its admission to membership, were expressly recognized. The amendment also provided that the General Assembly should resolve to consider each application on its merits and decide on it accordingly.

(4) An explanatory memorandum submitted by Cuba (see annex 5).

The memorandum expressed the view that the question of admission of new Members should be governed by a procedural vote in accordance with the Statement by the four sponsoring Powers at San Francisco on 7 June 1945. The recommendation of the Interim Committee on 15 July 1948 and the resolution of the General Assembly of 14 April 1949 supported that view. The Security Council had to decide the previous question whether the question of admission of new Members was subject to a procedural vote. The practice of the Security Council had not been consistent in regard to that previous question. On one occasion, the Security Council had concluded that the previous question should be decided by a procedural vote on the basis of a presidential ruling under rule 30 of the provisional rules of procedure. Following that precedent, the Council could thus take a decision in respect of admission of new Members by an affirmative vote of any seven of the members.

B. SECOND GROUP

9. The second group consisted of the following proposals and suggestions:

(1) A proposal submitted by Argentina as a working document (see annex 6).

Taking note of the general feeling in favour of the universality of the United Nations, and stating that in admitting new Members "the particular circumstances of each applicant State should be considered," the proposal called for a recommendation by the General Assembly that the Security Council should re-examine the applications for admission submitted by Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya and make recommendations on each of them to the General Assembly.

(2) An explanatory memorandum submitted by Egypt and the Philippines (see annex 7).

The memorandum stated the belief that, since long and detailed discussion of the juridical aspects of the question had yielded no fruitful results, the Special Committee should consider proposals aiming at resolving the political impasse which had prevented the admission of new Members. It was not possible to circumvent the rule of unanimity which had been observed in the Security Council in respect to voting procedure on membership questions. In the circumstances, the only possibility of effecting the admission of a number of qualified States was offered by the so-called "package proposal" under which the Security Council would reconsider the simultaneous admission of fourteen applicant States: Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya. The fourteen States would have to fulfil the requirements of Article 4 of the Charter and in the General Assembly any Member could oppose the inclusion of certain States in the package and present concrete evidence that they did not fulfil those requirements. The admission of two or more States at the same time was forbidden by no provision of the Charter, provided they were all deemed to be qualified.

III. Discussion of the first group of proposals and suggestions

A. VIEWS EXPRESSED IN SUPPORT

10. The representative of PERU declared that his Government's attitude, as stated in the General Assembly and *Ad Hoc* Political Committee, remained unchanged. It was based on the provisions of the Charter and on the advisory opinion of the International Court of Justice of 28 May 1948 to the effect that the admission of a State should be based only on the conditions explicitly laid down in Article 4 of the Charter. His delegation opposed the application of the unanimity rule in the Security Council in any case where it was relied on for the purpose of preventing a candidate State's admission for reasons other than the criteria set forth in the Charter. It supported the principle of the universality of the Organization, and considered that it was for the General Assembly alone to take the final decision on the admission of new Members.

11. He did not think that the arguments advanced against the Latin-American proposals had detracted from the value of the ideas upon which they were based. The Argentine and Cuban representatives' statements had added force to the Central American delegations' attempt to deal with the problem in a manner that would be both practical and in keeping with the dignity of the United Nations.

12. Finally, the Peruvian representative, bearing in mind the terms of reference of resolution 620 (VII) of the General Assembly as well as the general trend of the debate, maintained the view that no vote need be taken on the proposals presented by Peru and by the Central American States.

13. The representative of EL SALVADOR believed that it would be possible to find a practical juridical solution, and explained that the Central American draft resolution was wholly in accordance with the advisory opinions of the International Court of Justice, and was an attempt to solve the problem of the admission of new Members, in conformity with Article 4 of the Charter, on the basis of a more liberal interpretation of Article 27.

14. The Central American delegations recognized that, under Article 4, it was incumbent on the Security Council and on the General Assembly to decide in turn on the ability of a candidate to fulfil the Charter obligations; it was for the Council to make a favourable recommendation and for the Assembly to take the final decision.

15. The present deadlock had resulted from the interpretation given by the Security Council to Article 27: namely, that the admission of new Members was not a procedural but a substantive question subject to the veto under Article 27, paragraph 3. The Central American countries were striving to obtain a more practical interpretation of the provisions of part I of the San Francisco Statement which would indicate clearly the cases to which the veto could apply and those to which it could not. He did not agree with those representatives who objected that Article 27 clearly established that decisions of the Security Council on all but procedural matters should be made by an affirmative vote of seven members, including the concurring votes of the permanent members. Nor could he agree with the representative of the Union of South Africa that the lists in both paragraphs 1 and 2 of part I of the San Francisco

Statement were not restrictive. Paragraph 1, in his opinion, contained an exhaustive list of questions of substance to which the veto was applicable.

It was so drafted as to make clear that the veto was only applicable to decisions which involved the Council's taking direct measures in connexion with the settlement of disputes, the adjustment of situations likely to lead to disputes, the determination of threats to the peace, the removal of threats to the peace and the suppression of breaches of the peace. The veto was applicable only to decisions directly involving the essential function of the Security Council: to maintain international peace and security. The great Powers had indicated that fact clearly in part I, paragraph 9, of their Statement, which read: "9. In view of the primary responsibilities of the permanent members they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred". The admission of new Members did not belong to the category established by paragraph 1. Paragraph 2, on the other hand, contained a list of questions of procedure or questions submitted to a procedural vote, given as examples only; it was not restrictive. His delegation did not contend that the admission of new Members should be considered as a purely procedural question. But the San Francisco Statement made a distinction between procedural questions and questions governed by a procedural vote. The question of the admission of new Members could fall in the second category.

16. In support of a liberal interpretation of Article 27, the representative of El Salvador also drew attention to the fact that the Security Council and the General Assembly, contrary to the literal meaning of Article 27, paragraph 3, had admitted that the absence or abstention of permanent members did not invalidate decisions which included the affirmative votes of at least seven other members of the Council. He cited as examples of that practice decisions regarding the Spanish question in 1946, the Kashmir question in 1948 and the June 1950 decisions concerning the aggression in Korea. The practice had been hailed as a step forward in the procedure of the Organization. A development of that kind would be legitimate in the case of the voting procedure followed by the Security Council in regard to the admission of new Members.

17. In view of the fact that the representative of France had stated⁴ that the provisions of Article 27, paragraph 3, of the Charter were very clear, the representative of El Salvador wished to ask him whether, in the case of any substantive vote in the Security Council during which one of the permanent members abstained or was absent, the provision calling for "the concurring votes of the permanent members" was really fulfilled. In the Security Council — the speaker added — an abstention of a permanent member was not held to be a veto; and a police action had actually been undertaken in the absence of a permanent member.

18. It had been argued, he said, that, under Article 18 of the Charter, the admission of new Members was an important question requiring a majority vote of two-thirds of the members of the General Assembly, and that, consequently, the Security Council could not consider it as a simple question of procedure. That argument

³ See paragraphs 20-36 below.

⁴ See paragraph 58 below.

would be valid if the two organs concerned had the same function in the admission process. That was not, however, the case; the Council recommended, the Assembly decided. The Assembly could reject the recommendation by the Council, but the Council could not reverse the decision of the Assembly. Moreover, as the Argentine delegation had pointed out,⁵ the intention of the majority at San Francisco had been that the Assembly should be entitled not only to reject a favourable recommendation by the Council, but also to admit an applicant in spite of an unfavourable recommendation. That fact showed that the functions entrusted to the Assembly had been much more important than those assigned to the Security Council. It also proved that it was impossible, in practice, to proceed by analogy with other questions, as for example, the expulsion of a Member State, as certain members of the Special Committee had sought to do. There were, indeed, cases in which the participation of the Council and the participation of the Assembly had the same importance, such as the election of judges of the International Court of Justice.

19. The representative of El Salvador noted with disappointment that the four permanent members of the Security Council represented on the Special Committee seemed to take a less liberal position in regard to the application of the veto to the admission of new Members than they had done in the Interim Committee in 1948. The United States representative had recently said in the *Ad Hoc* Political Committee that the five great Powers had thought at the San Francisco Conference that the veto would be used only in exceptional cases, but that the Union of Soviet Socialist Republics had made that exception the rule. The representative of El Salvador wondered whether the admission of new Members had come to be considered an exceptional case, since all the permanent members of the Council plainly wished the veto to apply to it.

20. The representative of ARGENTINA explained that his delegation's position was basically the same as in 1946. The admission of new Members was a corporate act in which the Security Council's function was to recommend admission, whereas the General Assembly was responsible for the final decision. The recommendation could be favourable or unfavourable. On the basis of the records of Committee II/1 at San Francisco, it was clear that Article 4, paragraph 2, of the Charter referred only to the procedure for the admission of new Members; the substantive provisions concerning admission were contained in paragraph 1, with which Committee I/2 had dealt. The only legally valid interpretation of Article 4, paragraph 2, was that given by the Advisory Committee of Jurists on 16 June 1945, incorporated in the report of Committee II/1 and later approved by the San Francisco Conference, namely, that the General Assembly could accept or reject a recommendation advising the admission of a new Member, or a recommendation advising against admission. Abundant documentary material of the San Francisco Conference sustained this interpretation. No document of the Conference showed that the Council's recommendation had to be favourable and that it required the unanimous vote of the five great Powers. Nor had the case of the admission of new Members been mentioned in connexion with the discussion of specific cases to which the veto would apply.

21. The only Conference record referring to the Council's powers with regard to the admission of new

Members stated that various representatives had stressed that the Council had the initial responsibility for proposing the participation of new States. It clearly followed that the final decision must rest with the General Assembly.

22. In reply to the Argentine delegation's opinions on the role of the General Assembly, the South African representative had drawn an analogy between Articles 18 and 27 of the Charter, saying that since the admission of new Members was an important question for the General Assembly requiring a two-thirds majority vote, it must also be an important question for the Security Council and must require the affirmative votes of all five permanent members.⁶ That argument was to some extent logical, but it assumed that the Charter provided a specific procedure for voting on important questions in both organs. In fact, however, it provided several distinct systems for voting on matters of importance. The first of those systems, set forth in Article 6, required the affirmative votes of the five permanent members in the Security Council and a two-thirds majority in the General Assembly; the second, under Article 109, paragraph 1, required a two-thirds majority in the General Assembly and the affirmative votes of any seven members in the Security Council; the third, which applied to questions such as the election of the Secretary-General, required a simple majority in the General Assembly and the affirmative votes of the five permanent members in the Security Council. Another system was set forth in Article 10 of the Statute of the International Court of Justice which required only an absolute majority of votes in the General Assembly and in the Security Council. The veto did not apply to a number of important questions.

23. The San Francisco Statement supported the argument that there was no single criterion for establishing a relationship between the importance of the question and the system of voting. In its list of procedural questions which could be settled by a simple majority, the Statement included important issues.

24. The representative of Argentina also pointed out the difference between the provisions of Article 4 of the Charter and those of Articles 5 and 6. Suspension and expulsion were questions directly concerned with international peace and security; they came under the heading — as stated in San Francisco — of "enforcement measures", in connexion with which the Security Council was necessarily called upon to take action.

25. On the basis of Kelsen's work on the United Nations, the representative of Egypt had put forward an important and interesting argument⁷ criticizing the Argentine delegation's position on the role of the General Assembly. Kelsen had said that the word "recommendation" as used in the Charter had two separate meanings. In Articles 10, 11, 14, 36, 37 and 38 it meant "advice", and implied no obligation of acceptance upon those to whom the advice was addressed. In its other context the word meant a decision, and implied that that decision would have the same legal effect as a decision of the General Assembly. Kelsen had in fact argued that the recommendation of the Security Council referred to in Article 4, paragraph 2, had the same legal force as the decision of the General Assembly to which that paragraph also referred. He had, however, gone on to say that the Assembly was not bound to accept the Council's recommendation to admit an applicant

⁵ See paragraph 20 below.

⁶ See paragraph 41 below.

⁷ See paragraph 45 below.

State, thereby apparently destroying his first argument. Kelsen's interpretation, said the representative of Argentina, had, perhaps, rested on political rather than juridical factors, and relied upon the same material cited by the representative of China⁸ in connexion with the rules of procedure of the General Assembly and the Council on the admission of new Members.

26. The representative of Argentina declared that the Council had the power to interpret those provisions of the Charter which applied to it alone; its power was, however, restricted in the case of the admission of new Members, where the General Assembly also had competence. It could not make an interpretation that would lead to a clear violation of the Charter. It could only recommend: the Assembly alone could decide.

27. The records of the San Francisco Conference showed that it had been in favour of endowing the General Assembly with the power to admit new Members. In none of the records was it stated that the Council could veto the admission of a new Member; all documents recognized the power of the General Assembly in the matter, and while the veto had been discussed in connexion with specific cases to which it would apply, the case of the admission of new Members had not been mentioned.

28. The only way to defend the power of the Security Council to veto the admission of a new Member was to deny the validity of the Conference's records, as the International Court of Justice had had to do in its advisory opinion of 1950. It might be of interest to note that four members of the majority of the Court had also participated in the work of the Advisory Committee of Jurists, where they had taken a different view.

29. There could be a technical or a political solution to the problem of the admission of new Members. He would not oppose a political solution, if the majority of the Special Committee agreed on such a settlement. The Committee's main function was to find a way out of the present deadlock.

30. The representative of CUBA held that, under the terms of the San Francisco Statement of 7 June 1945, the admission of new Members was not one of the questions to which the rule of the unanimity of the permanent members of the Security Council should apply. On certain occasions, for example, during the discussion of the Spanish question and the Greek frontier incidents, the Security Council had not applied the rule of unanimity. Again, when the question of inviting a representative of the People's Republic of China to participate in a certain discussion had arisen in 1950, the President of the Security Council, applying rule 30 of the provisional rules of procedure, had ruled, notwithstanding the objection of a permanent member, that the vote which the Council had taken was procedural.⁹

31. In regard to the arguments in favour of the unanimity rule based on the advisory opinion of the International Court of 3 March 1950, the Cuban representative pointed out that the Court had expressly stated that it was not required to answer the question whether the veto was applicable to the admission of new Members, but merely to state whether the Assembly should admit a State in the absence of a Council recommendation. In practice, whenever a permanent member of

the Council had voted against admission, the President had interpreted the vote as a veto. That was why, in its explanatory memorandum, the Cuban delegation had drawn the conclusion that the only way out of the impasse would be to adopt the principle that a majority of seven members of the Council was sufficient.

32. As to the argument based on the San Francisco Statement that, under Article 27, the veto applied to all except procedural questions and that the admission of new Members should not be classed in that category, he declared that the examples of procedural questions listed in part I, paragraph 2, of the San Francisco Statement were not exhaustive. An analysis of the list showed that not one example could be regarded as being purely procedural; yet the decisions on them were taken by the procedural vote of seven affirmative votes. The words "procedural matters" should not be interpreted in a strictly technical sense. The drafters of the Charter had simply wished to indicate that there were a number of questions that were not subject to the veto, as opposed to some other questions to which it applied.

33. In view of the nature of the privilege conferred by the right of veto, the words "procedural matters" and "matters of substance" should be given a restrictive interpretation where the use of the veto was involved. Part I, paragraph 4, of the San Francisco Statement bore out the view that the permanent members had clearly anticipated that the use of the veto would be limited to cases in which enforcement measures would be applicable and to cases likely to make such measures necessary. From that interpretation by the Sponsoring Powers it could be concluded that any decision of the Council which did not involve serious political consequences and enforcement measures should be regarded as a procedural matter, and could be settled by a majority vote of any seven members. That was true in the case of the admission of new Members.

34. In support of the view that the veto should not apply to the admission of new Members, the Cuban representative cited the 1948 report of the Interim Committee of the General Assembly and the conclusions of Judge Alvarez in his dissent to the advisory opinion of the Court of 3 March 1950. He stated that the veto power had been created to apply exclusively to questions concerning the maintenance of international peace and security and should be kept within proper bounds.

35. The Cuban representative also argued that, in its resolution on "Uniting for Peace"¹⁰ (resolution 377(V) of 3 November 1950) the General Assembly had gone much further than in its resolution 267 (III) concerning the recommendation of the Interim Committee. The former was based on the premise that in cases in which the Assembly and the Council exercised concurrent powers, the Assembly had the right and duty to take action if the Council, because of the exercise of the veto power by one of its permanent members, was unable to function effectively. If the Assembly had, in spite of Article 12 of the Charter, gone so far as to take up a question involving international peace and security while it was still under consideration by the Council, it could surely deal with a matter within its competence when there was no provision in the Charter precluding it from doing so.

36. As to the observation of the Philippines representative¹¹ that in a question, like the choice of a

⁸ See paragraphs 65 and 67 below.

⁹ See paragraphs 55-56 below.

¹⁰ See paragraphs 43, 54 and 73 below.

¹¹ See paragraph 62 below.

Secretary-General, within the common competence of the Council and the Assembly, the authority of the former prevailed, the Cuban representative pointed out that the General Assembly had managed to extend the term of office of the former Secretary-General, despite the opposition exerted in the Security Council by one of its permanent members. Therefore the authority of the Council did not invariably prevail.

37. The representative of LEBANON said that his delegation was convinced that the problem before the Special Committee was primarily political, arising from the political tension existing between the two major blocs of Powers. However, while believing firmly that the best solution would be a political one, he nevertheless saw in the Peruvian and Central American draft proposals a possible solution to the problem.

Those proposals raised three principal issues: (1) the question of the use of the veto in the Security Council in connexion with the admission of new Members; (2) the question whether the General Assembly had the right to admit an applicant State in the absence of a favourable recommendation by the Security Council; and (3) the question whether the negative vote of a permanent member, cast in contravention of the provisions of the Charter, could preclude admission.

38. As to the first and third issues, the considered opinion of the Lebanese delegation was that the admission of a State could not be, and had never been intended by the Charter to be, subject to the veto. It was not surprising that the permanent members of the Council present in the Special Committee appeared not to have been convinced, since they were thereby enabled to wield more power than the Organization itself. The "judgment of the Organization" referred to in Article 4, paragraph 1, of the Charter obviously meant in the judgment of both the Security Council and the General Assembly. Had the Charter meant to reserve to the permanent members the right to pass judgment on the ability and the willingness of an applicant State to carry out the obligations of membership, it would have said so expressly. By its arbitrary exercise of the power of the veto, a permanent member was infringing a right conferred by the Charter upon the Organization as a whole and was assuming a power superior to that of the Security Council and the General Assembly together. The fact that the Security Council and the General Assembly had accepted the situation did not provide any legal justification for that abuse of the right of the veto. It was the Special Committee's duty to remind the General Assembly of its paramount right of decision under Article 4.

39. With regard to the second issue arising from the Argentine amendment to the joint Central American proposal, the Lebanese delegation supported the advisory opinion of the International Court of Justice to the effect that a recommendation had to be made by the Council before the General Assembly could admit an applicant State and that Article 4, paragraph 2, envisaged a favourable recommendation.

B. OTHER VIEWS

40. The representative of the UNION OF SOUTH AFRICA considered the problem to be twofold: Did the principle of the unanimity of the permanent members of the Security Council apply to the question of admission and, if so, was it possible to bypass the veto? He noted that the Council had always applied that principle in the past, and that, while it was true that the four

permanent members had declared that they would forego their right of the veto in the matter, they had done so voluntarily.

41. Dealing with the four-Power Central American draft resolution, he stated that the lists contained in paragraphs 1 and 2 of the Statement by the four Sponsoring Powers at San Francisco on 7 June 1945 were in no way exhaustive. The admission of new Members had been mentioned in neither list. The Council had decided, when the matter had first come up, that admission fell into the category of matters to which the unanimity rule applied. Since the Council and the Assembly were not subordinate to one another, the General Assembly had no power to overrule a decision of the Council. Pointing out that Article 18, paragraph 2, of the Charter specified that the admission of new Members was an important question for the General Assembly, he stated that the same must be true for the Security Council, which, in consequence, must apply the unanimity rule. A comparison of the provisions of Articles 4, 5 and 6 led to the obvious conclusion that the same procedure must apply to the admission, suspension and expulsion of Members, all of which questions were specified as important questions by Article 18, paragraph 2, and thus could not be treated as a procedural matter by the Council. If the Council could recommend suspension by a mere procedural vote, it would follow that it could restore a Member's rights by the same voting procedure; if that were so, it could quash by a procedural decision a decision of the General Assembly adopted by a two-thirds majority; and that would be completely illogical. The Charter could not be amended by interpretation, but should rather be searched for provisions which, if applied, might put a stop to the use of the veto.

42. Regarding the Argentine amendment to the joint Central American draft resolution, he recalled that the International Court of Justice had stated its belief, in the advisory opinion of 3 March 1950, that since it had found no difficulty in ascertaining the natural and ordinary meaning of the words used in Article 4, and since there was no difficulty in giving effect to them, it was not permissible to go to the San Francisco documents for an interpretation. The Court had considered that Article 4, paragraph 2, envisaged only a favourable recommendation by the Security Council. It was impossible to admit that the General Assembly had the power to attribute to a vote of the Security Council the character of a recommendation when the Council itself had considered that no recommendation had been adopted. Moreover, the Security Council had never made an adverse recommendation on the admission of an applicant State.

43. The representative of EGYPT, while reserving the position which his Government might take at the eighth session of the General Assembly with regard to the proposals submitted by Peru and the four Central American States, said that the "Uniting for Peace" resolution had not exceeded the limits of the Assembly's competence as defined in Articles 10 and 11 of the Charter.¹² On the other hand, the Peruvian proposal sought to give the Assembly powers which the Charter had not provided, since Article 10 did not empower it to make decisions.

44. The General Assembly was not entitled to interfere with the voting procedure of the Security Council which, pursuant to the decision taken at San Francisco,

¹² See paragraphs 35, 54 and 73 of the present report.

interpreted those provisions of the Charter the application of which lay within its competence. The Egyptian delegation believed, nevertheless, that the Security Council's interpretation of the Charter should not be liberal or arbitrary, but should respect the limitations and restrictions imposed by honest interpretation. One example of liberal interpretation by the Council of its procedure concerned Article 27, paragraph 3, which had been interpreted as meaning that the abstention of a permanent member did not prevent the Council from adopting a decision on a substantive question. Unfortunately, the permanent members of the Council had been given great freedom of action, with the right to use the veto and the double veto. That state of affairs could not be remedied until the Charter was amended.

45. The mere enumeration in the Charter of the undisputed functions of the Security Council made it abundantly clear that the Council was the principal political organ of the United Nations. The admission of new Members was certainly a political question of the very highest order, to which the unanimity rule of the Council should apply as in similar political questions and substantive matters falling within the jurisdiction of the Council. He cited interpretations by two recognized authorities, Professors Kelsen and Hambro, to the effect that the admission of a State into the United Nations was a matter within the joint jurisdiction of the General Assembly and the Security Council.¹³ The wording of Article 4, paragraph 2, of the Charter did not preclude the interpretation that the General Assembly should make its decision on a recommendation, favourable or unfavourable, of the Security Council, but there was little likelihood that the drafters of the Charter had intended the Security Council to play such a minor role in matters of such great political importance. The admission of new Members should be effected by a favourable decision of the Security Council followed by a concurring decision of the General Assembly and, since the question of admission was one of the important questions to be decided by a two-thirds majority of the Assembly, the Council's decision was subject to Article 27, paragraph 3.

46. Concerning the Argentine amendment to the Joint Central American proposal, the representative of Egypt expressed the view that there was no question but that the General Assembly could accept or reject a recommendation for the admission of a new Member or a recommendation to the effect that a given State should not be admitted. However, the matter should be left there, as the Advisory Committee of Jurists had decided. The Assembly could not decide to admit a State in the absence of a favourable recommendation by the Security Council.

47. The representative of the UNITED STATES OF AMERICA considered that the various proposals and memoranda submitted to the Special Committee by Latin American delegations involved three main questions. First, could the General Assembly decide to admit an applicant in the absence of a favourable recommendation by the Security Council? Second, could the admission of a State be the subject of a veto in the Security Council? Third, could the negative vote of a permanent member of the Council, cast contrary to the provisions of the Charter, prevent a State from being admitted?

48. Regarding the first question, he believed that the Special Committee should be guided by the advisory

opinion of the International Court of Justice of 3 March 1950. The Court had stated that Article 4, paragraph 2, referred only to a favourable recommendation and that an unfavourable recommendation would not correspond to that provision. Both the General Assembly and the Security Council had always given that interpretation to Article 4, paragraph 2, as evidenced by rules 135 and 136 of the rules of procedure of the General Assembly and the fact that the Security Council had never forwarded a negative recommendation to the General Assembly. Dealing with the Argentine amendment to the joint Central American proposal, he recalled that the discussions in Committee II/1 of the San Francisco Conference had clearly reflected the understanding that, under the Dumbarton Oaks proposal, the assent of the Council was required before the Assembly could admit a State into the Organization. That Committee had rejected certain amendments designed to limit the role of the Security Council and had adopted a text similar to the Dumbarton Oaks proposal. The changes suggested in that text by the Co-ordination Committee and the Advisory Committee of Jurists had been made for drafting purposes only, and the interpretation by the latter Committee of the new text and its acceptance by Committee II/1 and the Conference could not be taken as showing a design to make the Council's function purely consultative, since such a design would have granted the Assembly powers which Committee II/1 had already decided it should not have. Furthermore, it should be noted that the interpretation of the Advisory Committee of Jurists had not suggested that the Assembly's right to reject an unfavourable recommendation constituted a power to admit a State which the Security Council had rejected.

49. As for the second question which he had set forth, the United States representative said that his Government shared the general agreement that the permanent members of the Council should not exercise their right of veto to block the admission of a candidate which had received seven or more votes in the Security Council.¹⁴ Had the USSR taken the same attitude as the other permanent members, the question would have been solved long before. However, the issue under consideration was not whether the veto right should be used but whether it existed in the case of applications for admission. The Council and the Assembly had always proceeded on the understanding that it did exist, and the Council had never interpreted the negative votes of the USSR as anything other than a veto. Dealing with the Interim Committee's studies of the veto in 1948, he noted that it had not decided that the recommendation for the admission of a State was a procedural decision for the Council. The General Assembly, on the basis of that study, had adopted a resolution implying that membership recommendations were substantive, not procedural. In another resolution in 1949, the Assembly, while asking the permanent members to refrain from using the veto right, had evidently recognized that the right existed. In connexion with the joint Central American proposal, he observed that it should be borne in mind that the Statement of the Sponsoring Powers at San Francisco had been made in answer to a questionnaire which referred mainly to chapter VIII of the Dumbarton Oaks proposals and did not even mention the question of admission to the United Nations. It could not therefore be assumed that the Sponsoring Powers had been addressing themselves to that question or that they had agreed in their Statement that it should be governed by a procedural vote. The United States

¹³ See paragraph 25 above.

¹⁴ See paragraphs 58, 63, 66, 72 and 92 of the present report.

delegation was not at all sure that the responsibility for interpreting the voting procedures of the Security Council could rest outside that body. As regards the Cuban working paper, it was far from certain that sufficient support would be obtainable in the Security Council for a determination that a recommendation to admit a State was a procedural decision.

50. Turning to the third question involved in the proposals and suggestions under discussion, the United States representative said that there was no doubt that the negative votes of a permanent member had been cast on illegal grounds and, in that connexion, he observed that the USSR policy was contrary to the Charter and to the 1948 advisory opinion of the International Court of Justice. Whether the USSR votes were, in effect, null and void, as was maintained in the Peruvian draft resolution was, however, another matter. The International Court had not gone so far as to suggest that, and the Council had considered those negative votes to be effective, since it had not submitted to the Assembly favourable recommendations on applications which the USSR delegation had voted against on grounds contrary to the Charter. He was not sure whether the General Assembly could reach a conclusion contrary to that of the Council, since such a contention might give the Assembly authority which the Charter did not recognize.

51. The representative of BELGIUM agreed with the advisory opinions given by the International Court of Justice on 28 May 1948 and 3 March 1950. He contested the idea that the admission of new Members, a matter characterized by Article 18 of the Charter as an "important question", could be settled by a procedural vote. It was a substantive question, both in the Security Council and in the General Assembly. The fact that the Charter gave the negative vote of the permanent members the effect of a veto did not deprive them of their right to vote against the admission of a State. Such a vote was legitimate, when exercised under a *bona fide* conviction that the applicant State did not fulfil the conditions laid down in Article 4. The representative of Belgium none the less shared the view that the veto had in fact been exercised in a manner contrary to the Charter and that such abuse was the main cause of the deadlock.

52. The representative of the UNITED KINGDOM recognized the need to make the United Nations as universal as possible, but held that it could not justify the adoption of decisions which would undermine the provisions of the Charter. The proposals of Peru and of the Central American countries and the Argentine amendment to the latter were clearly contrary to Article 4. Two fundamental questions were involved: whether the Security Council was justified in applying the principle of unanimity to the admission of new Members and, if that were the case, whether the General Assembly could use other methods for the admission of new Members. He pointed out that the Security Council had always considered that decisions on the admission of new Members were subject to the veto rule and that the General Assembly had never contested that interpretation although the veto power had been abused by the USSR, it did not automatically follow that the veto exercised under those conditions was invalid, still less that the unanimity rule did not apply to the question of admission.

53. Regarding the second question, the representative of the United Kingdom observed that according to the Charter the Security Council and the General Assembly

were both principal organs of the United Nations and the Council was not subordinate to the Assembly. The argument that the General Assembly had the right to decide what constituted a recommendation by the Council, because it had the power to decide on admission, had already been refuted by the International Court of Justice in its opinion of 3 March 1950. It had been argued that, since the General Assembly had the power to reject a favourable recommendation, it should also be entitled to reject a negative one. The Court had also dealt with that argument by ruling that an unfavourable recommendation did not fall within the scope of Article 4, paragraph 2. In any case, no such contingency had ever arisen, nor was it likely to arise since, whenever agreement could not be reached in the Council on an application, the result was not an unfavourable recommendation, but no recommendation at all.

54. There was no analogy between the cases provided for in the "Uniting for Peace" resolution, under which the General Assembly could only make recommendations which Member States could adopt or reject, and the problem of admission.¹⁵ Decisions in connexion with the latter would have binding force on all the Members of the Organization, and the Assembly consequently could not, without violating the Charter, take such decisions in the absence of a recommendation by the Council.

55. In connexion with the Cuban memorandum, the United Kingdom representative explained that, in the 1950 decision to which the memorandum referred, the Council had had to decide whether the question of inviting a representative of the People's Government of China to participate in the discussion regarding Formosa was procedural or substantive.¹⁶ One of the examples of procedural questions in part I of the San Francisco Statement was the very case of the invitation to be sent to any party to a dispute submitted to the Council. The analogy had been quite clear: the question had incontestably been a procedural one and part II of the Statement could not be used to override part I. The United Kingdom representative noted that it was acknowledged that the question of admission of new Members could not be likened to any of the cases mentioned as examples in paragraph 2 of part I of the Statement. It could not, therefore, be said that, according to that paragraph of the Statement, the question of admission was one of procedure. Nor could it be maintained that the question of admission was declared to be procedural by the provisions of paragraph 1. That paragraph dealt only with chapters VI and VII of the Charter and was no more exhaustive than paragraph 2.

56. The representative of GREECE, while sympathizing with the reaction against the abuse of the right of veto by one great Power, pointed out that a twist in the interpretation of Article 4 might later be invoked as a precedent for the violation of other provisions of the Charter. Two incontrovertible principles emerged from the wording of the Charter, the Dumbarton Oaks and San Francisco documents, and the explicit provisions of Article 108 and of Article 109, paragraph 2, of the Charter: (1) that the Security Council and the General Assembly had equal jurisdiction in the question of admission of new Members; and (2) that the Security Council's recommendations for admission must be voted upon in accordance with

¹⁵ See paragraphs 35, 43 and 72 of the present report.

¹⁶ See paragraphs 30 and 66 of the present report.

Article 27, paragraph 3. Apart from the arguments adduced by other members of the Special Committee regarding the political nature of the question of admission, which was to be inferred from the clearly expressed will of the drafters of the Charter, he noted that, whereas the Covenant of the League of Nations had called for no action on the part of the League Council in the matter of admission to membership, the wording of Article 4 of the Charter was quite different. There was nothing in the San Francisco documents to indicate that it had not been intended to make a favourable recommendation by the Security Council a necessary prerequisite condition for admission by vote of the General Assembly. Since the participation of the Security Council in the process of admission was required by the Charter immediately after the enumeration of the qualifications for admission, it was logical to conclude that the intention of the authors of the Charter had been to place the main political organ of the United Nations, the Security Council, on a par with the General Assembly in such matters, and that the whole spirit of the Charter was that the Security Council should consequently treat the question as a substantive matter. In that connexion, the representative of Greece noted that it would be difficult to explain why the members of the Council should have been given the privilege of pronouncing themselves twice on the same matter — in the Council and in the Assembly — but for that difference in the voting procedure of the two bodies. The Council participated in the voting in the Assembly on the admission of new Members because the votes of its members were weighed on the basis of the political inequality of Members, whereas in the General Assembly all the Members entitled to vote were juridically equal.

57. The representative of Greece suggested that among the conclusions which the Committee could draw from examination of the proposals and suggestions submitted by the Latin-American countries were the following: (1) Whenever it failed to recommend admission of a State, the Security Council should be required to explain in detail the reasons why each of its members, and particularly each of its permanent members, had cast a negative vote or had abstained. The only valid reason should be that the applicant State failed to satisfy the requirements for admission as set up by Article 4 of the Charter and as analysed by the 1948 advisory opinion of the International Court of Justice. In response to a question put by the representative of Belgium, who observed that the document containing a statement of those reasons would presumably be the responsibility of the Council as a whole and wondered whether it would be adopted by a procedural vote or by a vote of substance, the representative of Greece believed that a procedural vote would be sufficient, that being the present practice of the Security Council with regard to its reports. (2) Another conclusion was that the Committee should remind the General Assembly of the suggestion made in 1948 by the Interim Committee to the effect that those permanent members of the Security Council which for reasons of their own could not support an application for admission should be urged to abstain.

58. The representative of FRANCE said that, despite the importance which it attached to the principle of universality, his Government was not ready to sacrifice the Charter to it. The two proposals of principle to which the proposals before the Committee could be reduced were that the General Assembly could

admit an applicant State without a favourable recommendation by the Council and that the unanimity rule should not apply. His delegation considered that the General Assembly could admit only applicants in regard to which a positive recommendation had been made by the Security Council and that the question was one of substance and required unanimity on the part of the permanent members of the Council. In reply to a question put by the representative of El Salvador,¹⁷ he agreed that the present practice in the Security Council with regard to abstention by permanent members represented an interpretation which might appear as not totally consistent with the letter of Article 27, paragraph 3; but this practice had been established by the general agreement of the five permanent members and the general consent of the other Members of the United Nations, and not by the five permanent members acting in disregard of the wishes of the majority. The possibility of some such arrangement with regard to the admission of new Members was not excluded; it was in fact what the General Assembly had urged upon the Council. In response to observations made in the course of the debate, he explained that, in 1948, the representative of France in the Council had stated that his Government did not intend to exercise its right of veto with regard to the applications then pending.¹⁸

59. Dealing with the Argentine amendment to the Central American proposal, the representative of France stated that the meaning of Article 4 of the Charter was very clear and that it would be contrary to normal legal practice to use the *travaux préparatoires* of the San Francisco Conference in order radically to reverse the meaning of a clear text. Moreover, a study of the *travaux préparatoires* revealed nothing which might invalidate the meaning of Article 4.

60. With regard to the draft resolutions submitted by Peru and by the Central American countries, the representative of France said that the question of admission of new Members, by its very nature, concerned international peace and security. It could not, therefore, be claimed that it was a procedural question which would not require the application of the unanimity rule. While appreciating the motives of the sponsors, he could not support those proposals.

61. The representative of CANADA said that his delegation, which supported the principle of universality, would welcome any procedure which, while respecting the provisions of the Charter, would enable new Members to take part in the work of the United Nations. He opposed any formula which would solve the problem of admission by circumventing the provisions of the Charter, however, and was therefore unable to support any of the three proposals before the Committee.

62. The representative of the PHILIPPINES noted that, while in theory the General Assembly had decided upon the appointment of the new Secretary-General, in practice it had been forced to wait for the Security Council to reach agreement.¹⁹ That was a striking illustration of the fact that, in any question within the common competence of the Security Council and the General Assembly, it was in reality the authority of the Council that prevailed.

¹⁷ See paragraph 17 above.

¹⁸ See paragraphs 49, 63, 66, 72 and 92 of the present report.

¹⁹ See paragraph 36 above.

63. He agreed that the Council's practice of the broad interpretation of Article 27, paragraph 3, had had satisfactory results, but only the goodwill of the five permanent members had made those results possible. In the present case, three of the four permanent members represented on the Special Committee had already indicated that they did not consider that the veto could be disregarded in the admission of new Members.²⁰ There consequently appeared to be no point in continuing to seek a solution along those lines. As for the fact that the Charter used the word "decide" rather than "recommend" to describe the function of the General Assembly in the admission of new Members, he said that in practice the favourable recommendation of the Security Council was a prerequisite to any further action by the Assembly. The powers of the Council and of the Assembly were equal and concurrent in that question, and it followed that the same voting procedure was required in both. Pointing out that the Assembly itself had once decided that a recommendation to the Council to reconsider certain applications required a two-thirds majority for adoption, he said that surely the act of reconsideration itself, which was far more momentous, would require a substantive vote on the part of the Security Council.

64. The representative of CHINA considered that most of the proposals under discussion were related to two questions: (1) did the rule of unanimity of the permanent members of the Security Council apply to the Council's recommendation on applications for membership?; and (2) could the General Assembly decide to admit an applicant State without a recommendation from the Council?

65. On the first question, the Chinese delegation considered that a recommendation for admission must be governed by Article 27, paragraph 3. In connexion with the joint Central American proposal, the representative of China noted that the Security Council had never expressed any doubt that such a recommendation was a question of substance subject to the unanimity rule. Article 18, paragraph 2, of the Charter and rules 84 and 135 of the General Assembly's rules of procedure also recognized that the admission of new Members was an important question which had to be decided by a two-thirds majority in the General Assembly. Furthermore, both Article 18, paragraph 2, and rule 84 ascribed equal importance to the admission of new Members and to the maintenance of international peace and security.

66. Dealing with the Cuban memorandum, he doubted whether the procedure envisaged would obtain general support in the Council. He also doubted the value of the argument referring to a ruling of the President of the Security Council under rule 30, of the Council's provisional rules of procedure since his delegation considered that ruling to have been illegal and consequently invalid.²¹ The use of the veto was one thing and its existence another. The existing state of affairs was due to abuse of the right of veto by the USSR, in flagrant violation of the Charter. He noted that, owing to obstruction by the USSR, it had not been possible for the permanent members to reach an agreement to refrain from exercising the right of veto in connexion with applications for membership, in accordance with the General Assembly recommendation which China had supported.²²

67. The second question was a logical consequence of the USSR veto, but both the Charter and the rules of procedure made an affirmative answer impossible. In that connexion, the representative of China referred to the 1950 advisory opinion of the International Court of Justice and to rules 134, 135 and 136 of the rules of procedure of the General Assembly. On two occasions, in 1946 and in 1947, the Security Council had categorically rejected the argument that the General Assembly should be the organ mainly responsible for the admission of new Members independently of the Council.

68. The Charter did not fully recognize the objective of universality. The primary purpose of the Organization was to maintain international peace and security, and Articles 4, 5 and 6 all pointed to such a natural limitation of the notion of universality. The Charter did not permit achievement of mechanical universality at the expense of the essential qualifications for membership.

69. The representative of NORWAY said that, despite the fact that universality was one of the basic purposes of the Organization, the Charter itself, being a political document, laid down express conditions which seriously hampered the development towards universal membership in the United Nations. His Government would have had matters otherwise, but the fact remained that the Charter clearly provided that no new Members could be admitted against the will of a permanent member of the Council. In that connexion, he shared the views of other speakers.

70. While he sympathized with the efforts of the Latin American delegations, he was unable to accept their proposals, which were inconsistent with the Charter and might defeat their own purpose by reducing the present membership of the United Nations. The solution lay in the political field and might perhaps be achieved by negotiations between the permanent members of the Security Council. Pending such action, nothing should be done by any other means that might block the way to an agreement.

71. The representative of the NETHERLANDS said that the history of the problem, including the two advisory opinions of the International Court of Justice, supported his delegation's view that any attempt to break the existing deadlock by way of any new juridical interpretation was bound to result in a violation of the original meaning of the relevant provisions of the Charter. The only possible solution lay in a change of the political climate, to which the Special Committee could contribute little, if only because of the absence of one of the permanent members of the Security Council.

72. The proposals before the Special Committee raised three basic questions. The first was whether the question of a recommendation for admission was subject to a veto in the Council. In his opinion, it definitely was and always had been, and he concurred with the interpretation by other members of the Committee of the San Francisco Statement to that effect, although noting that at the time that Statement had failed to give satisfaction to many delegations, including his own. The representative of the Netherlands also cited the provisions of Article 18, paragraph 2, and General Assembly resolution 267 (III). Moreover, the declaration made by four of the five permanent members of the Council that they would voluntarily refrain from using the veto in matters

²⁰ See paragraphs 49, 58, 66, 72 and 92 of the present report.

²¹ See paragraphs 30 and 55 of the present report.

²² See paragraphs 49, 58, 63, 72 and 92 of the present report.

of admission left no doubt that in their opinion such a right existed.²³

73. The second question was whether the negative vote of a permanent member, when based upon considerations other than those of Article 4, paragraph 1, and therefore contrary to the Charter, could prevent the admission of a State. He could not accept the answer embodied in the Peruvian proposal. The Charter did not provide for a Court which could invalidate the Council's decisions on the grounds of illegal use of the veto, nor did it grant the General Assembly the right to take substantive action in such cases. Comparison with General Assembly resolution 377 (V) on "Uniting for Peace" was inappropriate, since that resolution dealt with an entirely different problem, and under it the Assembly could only make recommendations concerning action to be taken by individual Members.²⁴ The General Assembly was equally entitled to make recommendations on the admission of new Members to the Security Council, but it could not take action without the Council's recommendation. That resolution had not by-passed Article 12, paragraph 1, since it had clearly stated that the Assembly could act only if the Security Council, because of lack of unanimity of the permanent members, failed to exercise its primary responsibility for the maintenance of international peace and security. It was clear that, in matters relating to the maintenance of international peace and security, no chronological order was laid down, since some problems involving the maintenance of international peace and security, including for instance the recent complaint of Burma, had been submitted directly to the General Assembly. In the case of the admission

of new Members, however, Article 4, paragraph 2, established a specific chronological order by stipulating that a recommendation of the Security Council was required before the General Assembly could act.

74. The third question was whether the General Assembly could decide to admit an applicant State in the absence of a favourable recommendation by the Security Council. The Netherlands delegation believed that it could not, and that the text of Article 4, paragraph 2, was perfectly clear in that respect. Referring to the Argentine amendment to the four-Power resolution, the representative of the Netherlands pointed out that, whenever the Council could not agree on a favourable recommendation, it considered that there was no recommendation. It was very doubtful whether the General Assembly had the right, acting upon its own judgment, to declare that the absence of such a positive recommendation constituted a negative recommendation.

75. The representative of NEW ZEALAND pointed out that, from the very beginning, the Security Council had chosen to regard recommendations for membership as substantive questions subject under Article 27 to the concurrence of the permanent members who participated in the voting upon them. Though the International Court of Justice had expressed certain opinions on the considerations which a Member State was entitled to apply in determining its vote, the fact remained that the procedure to be followed was within the jurisdiction of the Council. As had been confirmed by the International Court of Justice, action by the Council was an essential condition precedent to final action by the Assembly.

IV. Discussion of the second group of proposals and suggestions

A. VIEWS EXPRESSED IN SUPPORT

76. The representative of ARGENTINA said that there could be a technical or a political solution to the problem of the admission of new Members. After explaining his Government's view that, under the Charter, the General Assembly was responsible for the final decision on applications for membership and could accept or reject a favourable or unfavourable recommendation from the Security Council, he pointed out that the Committee's main function was to find a way out of the present deadlock. The salient point was that twenty-one States had been unable to secure admission, partly owing to the self-interest of some of the great Powers. The Argentine proposal represented an attempt to solve the problem on the political plane, since all attempts to solve it by technical means had failed. It was self-explanatory. It did not propose *en bloc* admission of the fourteen States listed, as not politically practicable, but asked the Security Council to re-examine the case of each applicant and to make a recommendation on each. If even three or four of the applicant States were admitted to membership as a result of the Committee's work, that would be a positive achievement. In reply to a question, the Argentine representative agreed that the last phrase of his delegation's proposal, beginning with the words "and to make recommendation . . .", might be clearer if re-

placed by some such words as "and to pronounce on each of them".

77. The representative of EGYPT stated that all juridical possibilities for solving the problem had been exhausted. The problem, he said, had to be dealt with mainly on the political plane if a practical and reasonable solution was to be found, one which would safeguard the interest of all the parties concerned as well as respect the provisions of the Charter and help to achieve its aims.

78. Any solution must, in the opinion of his delegation, take the following considerations into account.

79. Firstly, no State could be admitted to the United Nations without a favourable recommendation by the Security Council, though the final decision rested with the Assembly. Secondly, the Council's recommendation was a substantive decision which required, unfortunately perhaps but undeniably, the unanimous vote of its five permanent members.

80. Thirdly, no provision of the Charter prevented the Council from considering simultaneously several applications and from submitting a recommendation favouring the collective admission of all the applicants. There was no doubt that the Assembly had the power to reject the Council's joint recommendation as a whole or to adopt certain parts of it and to reject others. Fourthly, the principle of universality as proclaimed unequivocally by the Charter — that principle,

²³ See paragraphs 49, 58, 63, 66 and 92 of the present report.

²⁴ See paragraphs 35, 43 and 54 of the present report.

he stated, constituted one of the cardinal points of the Egyptian Government's policy in the United Nations, but he stressed that his Government in no way advocated the wholesale admission of all applicants; it requested that all applicants qualified under Article 4 should be admitted and held that the criteria should be those of the Charter and not the result of bargaining or power politics.

81. It was unfair to say that the current deadlock was due to certain ambiguities in the Charter or to the difficulty of its interpretation. The unfortunate current situation was certainly the result of a regrettable display of power politics, a clash over spheres of influence of great Powers. It was not entirely due to the obstructionism of only one of the permanent members of the Council but was also due to the fact that other permanent members pursued a policy of discrimination against some applicants and of favouritism towards others. It was worth noting, the representative of Egypt said, that two important permanent members of the Security Council had adopted, in regard to the particular problem before the Committee, two diametrically opposed attitudes depending on the circumstances, sympathies and interests of the moment and in utter disregard of the principles proclaimed by the United Nations.

82. The Egyptian delegation did not pretend that the solution contemplated in the Egyptian-Philippine memorandum was ideal, but it was the best practical solution for breaking the deadlock. It was designed to assist the Security Council to discharge a responsibility which it had repeatedly failed to discharge and to ensure that no qualified State was denied admission because of extraneous considerations. It was the only means whereby the five permanent members of the Council could prove that they had no intention of hampering the admission of applicant States of which they disapproved, while favouring others. The Egyptian delegation had no desire to see qualifications for admission to the Organization governed by North Atlantic Treaty Organization conceptions and alliances or by Soviet ideologies and "satellitism". Nor did it wish international politics and friction to bar the way to the admission of worthy applicant States.

83. The Egyptian-Philippine proposal respected the authority and the competence of the General Assembly and the Security Council and left the final decision to the Assembly, which had the unchallenged right and duty to decide on the merits of each application separately. The affirmative vote of the permanent members of the Security Council would in no way prejudice the final position of their delegations in the Assembly.

84. To the criticism that it would be immoral to recommend the admission of applicants *en bloc* on the understanding that the Assembly would later abide by Article 4 of the Charter and examine each application separately,²⁵ the representative of Egypt replied that what was really immoral was to keep applicants waiting, not because they were unqualified but because of ideological differences between two groups of States. His delegation did not suggest admission without an examination under Article 4, paragraph 1, but it wanted that examination strictly limited to the provisions of the Charter. It favoured an *en bloc* recommendation in the Council because it believed that all

fourteen States qualified for membership and because it was the only way to break the impasse.

85. Regarding the criticism that the proposal might lead to an ambiguous situation in which some States would vote in one way in the Council and in another in the Assembly,²⁶ he noted that delegations had frequently in the past voted in the Assembly against proposals which they had supported in Committee. In so doing they had merely exercised the privilege of every Member State.

86. Regarding the doubt expressed that the Assembly would have the right to take separate votes in connexion with an *en bloc* Council recommendation, the representative of Egypt emphasized that the Council could not impose any procedure on the Assembly or deny its right to reject or accept the whole or any part of a recommendation from the Council. In respect of the proposal submitted by Argentina, he considered that it was objective and constructive and his delegation was ready to support it if it were put to the vote. He would have preferred that the word "favourable" should be inserted before "recommendations" in the penultimate line of the Argentine proposal.

87. Finally, the Egyptian representative twice appealed to the permanent members to help to solve a problem the existence of which had undoubtedly shaken his delegation's faith in their good will and good intentions.

88. The representative of the PHILIPPINES said that he did not agree that the unanimity rule in the Security Council on the membership question could be circumvented. He accepted the practice of the Security Council which had, in effect, been upheld by the International Court of Justice. Some compromise had to be found within the limits of that rule.

89. To the argument that principles should not be sacrificed to expediency, he answered that the principle of universality would be better served by a proposal, which might not be vetoed, to admit some States, including some that one might not like, than by a proposal, which would certainly be vetoed, to admit only the States that one liked.

90. The proposal in the joint Egyptian-Philippine memorandum under which the Security Council would recommend the simultaneous admission of fourteen applicant States offered the only possibility of securing the admission of some States and should be regarded as the basis of any practical solution to the problem.

91. Of the fourteen States included in the "package proposal", nine had in the past received the requisite majority of seven votes in the Security Council, while the other five, all Communist States, had not. His delegation supported those five applicants because it believed that they too were qualified. That support was based not on political considerations but on the fact that those States fulfilled the two general conditions of membership, namely, that a State must be peace-loving and that it must accept and be willing and able to carry out Charter obligations. An applicant State should, he declared, be deemed to be peace-loving so long as it was not actually engaged in aggression against another State. No such finding had been made regarding any of the fourteen States. In addition, a State's formal declaration that it accepted the obligations of the Charter should be considered *prima facie* evidence of

²⁵ See paragraph 98 below.

²⁶ See paragraph 101 below.

its ability and willingness to carry them out. No proof had been advanced that the fourteen States did not fulfil that condition.

92. Four of the permanent members of the Council had earned the gratitude of the United Nations by agreeing in the past to refrain from exercising their veto on applicant States. The French representative's statement that his Government had not relinquished for all time the right to veto an application had destroyed his illusion that four of the permanent members had made a firm pledge.²⁷

93. The Philippine delegation agreed that the USSR should also refrain from exercising the veto. Since seven years had seen no change, it would be realistic to attempt to understand why the USSR had not followed the example of the other permanent members. He believed that it was because the USSR veto on certain applicants had been used to offset the abstentions of the United Kingdom, the United States, France and China on other applicants, abstentions which had, for all practical purposes, prevented their admission by making a majority of seven improbable.

94. Shifts from year to year in the voting of permanent members of the Council on applications for membership had been so striking that it was difficult to believe them due to a change in qualifications; a more plausible explanation would be changes in the political atmosphere. The problem being political, his delegation's proposal was not only realistic but eminently logical, and there was no reason why recommendations of that nature concerning the admission of a group of States should be contrary to the Charter or to the principles of morality. The proposal offered a way out of the dilemma and would open the doors of the United Nations to fourteen applicants. It could be used as the basis of a compromise—for instance, a counter-proposal including, in an enlarged "package", other States regarded as qualified for admission.

B. OTHER VIEWS

95. The representative of the NETHERLANDS said that his Government agreed with the view expressed in the advisory opinion delivered by the International Court of Justice on 28 May 1948, from which it followed that a vote in favour of the admission of an applicant State could not be made contingent on the additional condition that other States should be admitted at the same time. Article 4, paragraph 2, of the Charter spoke of "any such State" and not of groups of States. Each applicant therefore should be examined on its merits and separately, both by the Security Council and by the General Assembly. The affirmation that the proposal in the memorandum submitted by Egypt and the Philippines did not advocate wholesale admission did not seem to be borne out by the memorandum itself, at least in the case of the Security Council. If based on paragraph 9 of the memorandum, that assertion could only strengthen the doubt as to whether a recommendation by the Security Council for admission of a number of States *en bloc* could be disregarded by the General Assembly and taken apart again by that body. Moreover, the representative of the Netherlands wondered if the sponsors of the memorandum had reflected on the influence which such an escape clause might have on the position of certain delegations which played an important role in the Security Council.

96. Regarding the Argentine proposal, he did not think that it offered anything new, nor that it was the

task of the Special Committee to recommend the reconsideration of specific applications. He asked why, if the intention was that the Council should make favourable recommendations not on all the fourteen applications listed, but on each of those which the Council deemed fit for admission, mention was not made of all pending applications.

97. The representative of CHINA, citing the advisory opinion of the International Court of Justice of 28 May 1948, said that the conditions enumerated in Article 4 obviously implied that every application should be considered and decided separately on its own merits. Although the Charter did not provide against the admission of several States simultaneously, it did not permit admission of one State on condition of admission of another at the same time. He doubted the usefulness of asking the Security Council under the present circumstances to reconsider *en bloc* applications which had already been considered more than once. Whatever influence the General Assembly might attempt to exercise on the Security Council must remain within the bounds of the Charter.

98. The representative of GREECE, referring to the advisory opinion delivered by the International Court of Justice on 28 May 1948, said that any proposal for the admission of applicants *en bloc* was contrary to the principle of universality, which implied equal treatment for all, and was not only incompatible with Article 4, but would actually apply more lenient conditions to candidates than were applied to non-Members under Article 2, paragraph 6, and to existing Members under Article 6. The General Assembly could not morally ask the Security Council to contravene Article 4 by recommending wholesale admission, on the understanding that the Assembly would subsequently abide by that Article and examine each application separately.²⁸ It was most inconsistent first to criticize the permanent members of the Security Council for not being sufficiently objective and then to ask them to strike a political bargain.

99. The representative of CUBA, citing the advisory opinion delivered by the International Court of Justice on 28 May 1948, considered that admission *en bloc* would be contrary to the spirit and letter of the Charter and to that opinion. Furthermore, admission *en bloc* through a compromise could not be a permanent solution since the problem might arise again in connexion with any future application. For that reason, his delegation had always been opposed to that compromise solution.

100. In connexion with paragraph 10 of the memorandum submitted by Egypt and the Philippines, he pointed out that, although the Security Council had found it convenient to adopt a single resolution on the admission of Afghanistan, Iceland and Sweden, it had in fact taken separate votes on those applications.

101. The representative of the UNITED KINGDOM felt that the joint Egyptian-Philippine memorandum placed too much emphasis on the part played by the permanent members of the Security Council. It was noteworthy that the five Communist States had not secured the approval of the General Assembly. The USSR package proposal had not been approved, chiefly because the majority considered some of the applicants unqualified under the Charter. While he agreed that the manner in which the applicant States were admitted to membership did not matter provided that they were all

²⁷ See paragraphs 49, 58, 63, 66 and 72 of the present report.

²⁸ See paragraph 84 above.

qualified, admission by one resolution might give the impression that a bargain had been struck, which would be contrary to the Charter and to the advisory opinion of the Court. Hence, if and when the permanent members of the Council agreed on the admission of any of the candidates, it would be wiser for them to vote on each separately. It would be most irresponsible for the permanent members of the Security Council to vote differently in different organs of the United Nations in such an important matter, and he did not think that they would do so.²⁹ The joint memorandum stated that the yardstick of the Charter should be strictly applied, but went on to give criteria for admission which would be anything but a rigorous application. The ideal might be universality, but States must be admitted, not indiscriminately, but on the basis of their qualifications, and each member of the Security Council and of the General Assembly must decide for itself whether an applicant was qualified. In connexion with the Argentine proposal, he agreed with other speakers in considering that it should apply to all pending cases rather than be limited to the fourteen applications listed in it.

102. The representative of the UNITED STATES OF AMERICA noted that there seemed to be general agreement in the Special Committee that the 1948 advisory opinion of the International Court of Justice, which had established the elementary principle that each applicant was entitled to separate consideration on its merits as measured solely by the criteria of Article 4, precluded the omnibus proposals made by the USSR since 1947 which represented barter rather than an application of Charter principles. The purpose had clearly been to force Members to agree against their better judgment to the admission of several applicants as the sole condition on which the USSR would agree to admit certain other States which the majority believed should be admitted. Some had been inclined to support those proposals in order to make some progress towards a universal membership. It should not be overlooked, however, that the USSR had excluded—and thus in effect rejected—five States which had been found qualified by the Assembly. The proposals were evidently not put forward even as a step towards universal membership, and their adoption would amount to acceptance of bargaining terms imposed by the Member State with the most intransigent record in the membership problem. It was fair to ask whether those in favour of those proposals felt that they could, after their adoption, prevail upon the USSR to withdraw its vetoes against the applicants which it refused to include in its "package" deal. It seemed neither fair nor consistent with Charter principles to try to resolve the stalemate by asking the majority, contrary to their convictions, to accept conditions laid down by the intransigent minority. It was quite illogical to equate the policies of the four permanent members of the Council which had not placed their will above that of the majority with those of the one permanent member that had ignored the will of the majority.

103. Both the proposals under discussion were concerned with only fourteen applicants, whose selection did not seem to have been made on the basis of qualifications under Article 4. If that were the case, the only conclusion to be drawn would be that the included applicants were considered qualified and the excluded ones were considered unqualified. Further, under the Charter, Member States should take the qualifications of applicants into account when voting, whether in the

Security Council or in the Assembly. The United States had always held it proper to consider whether applicants really were able to carry out Charter obligations and to examine their international behaviour to ascertain whether they were willing to do so. At the same time, it had always indicated its willingness to reconsider applications should changes occur which affected the qualifications of applicants.

104. The representative of BELGIUM said that the authors of the explanatory memorandum presented by Egypt and the Philippines not only objected to permanent members of the Security Council exercising the veto, but even questioned that they could legitimately abstain. Therefore, the only right left to them would be to vote in favour of admission, which they could hardly be expected to do if, in their view, the applicant State did not meet the requirements of the Charter. The representative of Belgium declared that he doubted the moral and legal validity of an undertaking to refrain from ever casting a negative vote in the matter of admission, as contemplated in paragraph 6 of the memorandum, since applications for admission might be submitted by candidates which did not fulfil the requirements stipulated in Article 4 of the Charter.

105. The representative of NEW ZEALAND, referring to the memorandum submitted by Egypt and the Philippines, said that the view of his Government was that applications for membership should be considered on their merits in accordance with the conditions laid down in the Charter and that Members of the United Nations should act in accordance with the May 1948 advisory opinion of the International Court of Justice. He was unable to find any way forward by applying those policy considerations to the proposals contained in the memorandum, which appeared to imply, and might even be based upon, the remote possibility that even if each member of the Security Council and each Member of the Assembly applied Article 4 most rigorously, a majority of the Assembly might reach a conclusion different from that reached by the majority in the Security Council. The memorandum could point the way forward only if the Council regarded its role as somewhat more formal than that of the Assembly, but it would be a retrograde step for the Assembly to make any recommendation in that direction. The March 1950 advisory opinion of the International Court of Justice confirmed that action by the Council was an essential condition precedent to final action by the Assembly.

106. All members of the Council had an equal responsibility in determining their votes on recommendations for admission. The deadlock arose from the attitude of one member of the Council, and it was not right to place the responsibility for it on the other four permanent members. The joint memorandum referred only to fourteen States, but there were other pending applications and other entities which, if the principle of a "package deal" were once established, might find it of advantage to submit an application.

107. While in sympathy with certain provisions of the Argentine proposal, the New Zealand delegation would find some difficulty in approving the precise words proposed and doubted the desirability of recommending a particular text to the General Assembly at that stage.

108. The representative of FRANCE recalled that a "package deal" such as proposed by Egypt and the Philippines had been repeatedly considered in the United Nations, and then abandoned as impracticable.

²⁹ See paragraph 85.

The USSR would agree to refrain from exercising its veto against candidates supported by the other permanent members only if it had full assurance that its own candidates would be accepted not only by the Council, but also by the General Assembly, for which the other permanent members of the Council were of course unable to vouch. With regard to the Argentine proposal, he noted that the General Assembly had repeatedly made recommendations for reconsideration without any practical results. The solution would only come with the passage of time, which he hoped would bring about a change in the international situation.

109. The representative of the UNION OF SOUTH AFRICA pointed out that the practicability of the proposal implicit in the joint memorandum depended upon the attitude of the permanent members of the Security Council represented on the Special Committee. The United States, United Kingdom and French representatives had already indicated that the package deal was not acceptable to them. His delegation opposed it on the same grounds as had been given by the United Kingdom and Netherlands representatives. The General Assembly should refrain from making futile recommendations, and should therefore not recommend to the four permanent members a proposal which any one of them might choose to veto. He also concurred with the views of the United Kingdom and Netherlands representatives on the Argentine proposal.

110. The representative of EL SALVADOR said that, although the Argentine proposal did not propose *en bloc* admission, it listed the very fourteen States on the admission of which the USSR had been insisting for some time and omitted the names of several other

applicant States which the General Assembly, in resolution 620 (VII), had declared to be worthy of admission. The proposal was therefore open to the charge of partiality. It would be preferable, in any such proposals, not to name any specific States. On the other hand, earlier recommendations of the same type by the General Assembly had been vetoed in the Security Council.

111. Dealing with the joint memorandum submitted by Egypt and the Philippines, the representative of El Salvador noted that, in its advisory opinions, the International Court of Justice had neither sustained nor denied the validity of the application of the veto with regard to the admission of new Members. He failed to follow the reasoning which would equate the abstentions of four permanent members with a veto, since there were eleven members of the Security Council, and in the case of four abstentions it was possible for the Council to take a decision with the positive votes of seven members. The proposal for *en bloc* admission favoured by the USSR was not new; the idea had been discussed since 1946 and had failed to be accepted. Moreover, such admission would be illogical, since it was obvious that each case had to be decided on its own merits. The presumption advocated in the memorandum for judging whether an applicant was "peace-loving" was virtually an amendment of the Charter, which should be amended only by constitutional means. The United Nations could accept only a constitutional political solution; failing that, it would have to wait for the five permanent members of the Security Council to come to an agreement among themselves. Until there was real understanding between those five Powers, no proposal for *en bloc* admission could be successful.

V. Conclusion

112. As indicated above, the various proposals and suggestions advanced were discussed by the Special Committee in two main groups. Generally speaking, the proposals and suggestions in the first group envisaged a solution of the problem along the lines of interpretation of the Charter based on the views that the voting procedure of Article 27, paragraph 3, of the Charter did not apply to the admission of new Members and that under Article 4, paragraph 2, it was for the Council to make recommendations but for the General Assembly to decide. The discussion of that first group of proposals and suggestions made it apparent, however, that such an approach was not generally acceptable, principally on the grounds that the unanimity rule in the Security Council applied to the admission of new Members and that the provisions of Article 4 did not allow the General Assembly to admit new Members in the absence of a favourable recommendation by the Council.

113. The proposals and suggestions in the second group aimed mainly at a political solution of the question, starting from the view that the largest possible number of applicants qualified under Article 4 should be admitted. Although the importance of the political aspects of the problem was recognized, the specific methods suggested did not secure general acceptance. It was felt that the courses proposed either would not be in strict accordance with Article 4, or, if they were, were no more likely to lead to practical results than earlier recommendations for reconsideration by the Security Council.

114. In the light of the view expressed by many representatives that the Special Committee should limit itself to giving a comprehensive account of its deliberations for the consideration of the General Assembly, it was agreed that no vote would be taken on the various proposals and suggestions and that no specific recommendation would be submitted to the General Assembly.

ANNEXES

Annex 1

For the text of General Assembly resolution 620 A (VII) see "Resolutions adopted by the General Assembly at its seventh session during the period from 14 October to 21 December 1952", *Official Records of the General Assembly, Seventh Session, Supplement No. 20*, page 10.

Annex 2

For the text of the draft resolution submitted by Peru, see document A/AC.61/L.30, *Official Records of the General Assembly, Seventh Session, Annexes, Agenda item 19*, page 2.

Annex 3

For the text of the joint draft resolution submitted by Costa Rica, El Salvador, Honduras and Nicaragua, see document A/AC.61/L.31, *Official Records of the General Assembly, Seventh Session, Annexes*, Agenda item 19, page 3.

Annex 4

For the text of the amendment proposed by Argentina to the joint draft resolution submitted by Costa Rica, El Salvador, Honduras and Nicaragua, see document A/AC.61/L.36, *Official Records of the General Assembly, Seventh Session, Annexes*, Agenda item 19, page 5.

Annex 5**Explanatory memorandum regarding voting in the Security Council concerning the admission of new Members**

(WORKING DOCUMENT SUBMITTED BY THE DELEGATION OF CUBA)

1. In order to ensure the adoption at the San Francisco Conference of the rule of unanimity of the permanent members of the Security Council, the sponsoring Powers had to agree to clarify certain doubts felt by various delegations regarding the implications of the rule, and accordingly issued the "Statement by the delegations of the four sponsoring Governments on the voting procedure in the Security Council" (San Francisco Statement), dated 7 June 1945, in which they referred specifically to the cases relating to the maintenance of international peace and security, in which the permanent members may exercise their right of veto, and which, according to the Statement, are confined to cases in which the Security Council has to take decisions involving the adoption of direct measures in connexion with the settlement of disputes, the determination of threats to the peace, the removal of threats to the peace and the suppression of breaches of the peace; in consequence all other decisions, which do not involve the adoption of such measures, are governed by a procedural vote, that is the vote of any seven members of the Security Council.

2. Under resolution 117 (II) of 21 November 1947, the General Assembly requested the Interim Committee to consider and report on the question of the voting procedure in the Security Council.

3. The Interim Committee submitted its report to the General Assembly on 15 July 1948.¹ Its conclusions included the recommendation that the General Assembly should recommend to the permanent members of the Security Council that they agree that a recommendation to the General Assembly on the admission of a State to membership in the United Nations should be adopted by the vote of any seven members, whether the decisions were considered procedural or non-procedural.

4. Following consideration of the question of voting procedure in the Security Council by the *Ad Hoc* Political Committee, the General Assembly, at its plenary meeting held on 14 April 1949, adopted resolution 267 (III), paragraph 2 of which reads as follows:

"Recommends to the permanent members of the Security Council that they seek agreement among themselves upon what possible decisions by the Security Council they might forebear to exercise their veto, when seven affirmative votes have already been cast in the Council, giving favourable consideration to the list of such decisions contained in conclusion 2 of part IV of the report of the Interim Committee".

¹ See document A/578, *Official Records of the General Assembly, Third Session, Supplement No. 10*.

5. The Interim Committee's conclusions and the General Assembly's recommendation were supported by four permanent members of the Security Council: China, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America; in other words, they would refrain from exercising the privilege of the veto in connexion with the admission of new Members. In referring to previous discussions of this question, it should also be noted that one permanent member, the representative of the United States of America, stated in the First Committee (99th meeting) that the United States Government would not exercise its right of veto to exclude any of the applicant States which the General Assembly considered to be qualified for membership and that it was prepared to accept the complete elimination, in the future, of the use of the veto right in the Security Council in connexion with the admission of new Members. That position was reaffirmed in the First Committee at its 497th meeting.

6. The Cuban delegation's position was clearly stated at the 495th meeting of the First Committee, held on 21 January 1952, at the 44th meeting of the *Ad Hoc* Political Committee, held on 15 December 1952, and at the third meeting of the Special Committee. Its position can be summarized in the following words:

As the admission of new Members is not subject to the veto of the permanent members of the Security Council, any application for admission which obtains the favourable votes of seven or more of its members, even though they do not include the votes of all the permanent members, may serve the General Assembly as a basis for admitting the applicant, if it deems such admission advisable.

7. With regard to the problem whether, if the Security Council were to vote on whether the admission of new States was a procedural matter, the question of the double veto, referred to in the last paragraph of part II of the San Francisco Statement, would arise, the Cuban delegation stated that it was necessary to consider the interpretation by the President of the Security Council of a vote taken to determine whether a question was procedural or non-procedural.

STATEMENT OF THE PROBLEM

8. On occasion, the members of the Security Council disagree on the nature of a proposal or draft resolution submitted to them for consideration and decision. In such cases the Council has to decide whether the

matter is or is not procedural in order to determine the form in which its decision on the matter, that is on the proposal or draft resolution in question should be taken. Part II of the "Statement by the delegations of the four sponsoring Governments on voting procedure in the Security Council" (San Francisco Statement) refers to the so-called "previous question" laying down that decisions on the latter should be taken in accordance with the unanimity rule.

It must be borne in mind that the Security Council has never explicitly recognized that this is in any way legally binding, and it should therefore be noted that part II of the Statement, which refers to the "previous question", clearly does not commit the Council, which, never having formally recognized it, may at any time refuse to comply with any part of it, as the Council so decided on one occasion.

PRACTICE OF THE SECURITY COUNCIL

9. The practice followed by the Security Council in deciding whether a particular question is procedural or non-procedural may be summarized as follows:

(a) *When the Council decides this question*

The Council has not determined when it is required to decide this question. Its practice has been inconsistent: on some occasions, a decision has first been taken on the nature of the question, followed by a decision on the proposal or draft resolution submitted, and on others the order has been reversed. In neither case has the Council accepted any criterion explaining or justifying the reason for this dual practice.

(b) *Application of the unanimity rule to decisions on the "previous question"*

Although part II of the San Francisco Statement has never been formally adopted, in practice the Council has applied the unanimity rule to decisions on the "previous question", tacitly endorsing the criterion established in this connexion in the last paragraph of part II. On three different occasions, the Security Council, as a result of the negative vote of one or more permanent members, decided to consider as substantive questions proposals or draft resolutions which a majority of seven or more members had considered to be procedural (Spanish question, Greek frontier incidents and Czechoslovak question).

(c) *Effects of the President of the Council's interpretation of a vote on the "previous question"*

When a vote has been taken on whether a particular question is procedural or non-procedural, the President interprets the result of the vote in the form of a ruling or in the form of a simple interpretation. When the President's interpretation (or ruling) is challenged, he "shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled" (rule 30 of the provisional rules of procedure of the Security Council).

On three separate occasions (Spanish, Greek and Czechoslovak questions), mainly because of the attitude adopted by the President, the Council *did not apply rule 30* in interpreting the result of the vote on his ruling but applied the unanimity rule referred to in part II of the San Francisco Statement.

On another occasion, during the discussion of the invitation of a representative of the authorities of the Peking régime in connexion with the consideration of the "Complaint of armed invasion of Taiwan (Formosa)", the permanent representative of China raised the "previous question" whether the question under consideration was substantive and subject to the veto, and in so doing referred specifically to part II of the San Francisco Statement.

In the vote the majority decided that it was a procedural question and, as the permanent representative of China vetoed the decision, the President of the Security Council (the United Kingdom representative) ruled that the veto of that permanent member was invalid; he applied rule 30 of the rules of procedure and his ruling was upheld by the Council.

CONCLUSIONS

10. The problem arising in connexion with the Security Council's decisions on "previous questions", the practice established by the Council and the position taken by four of the permanent members in regard to the question of the admission of new Members hold out considerable hope of success in eliminating the veto in connexion with the admission of new Members if, in accordance with its provisional rules of procedure, the Council takes decisions in this respect by the affirmative vote of any seven of its members.

Annex 6

First draft of resolution concerning the admission of new Members

(WORKING DOCUMENT SUBMITTED BY ARGENTINA)

The General Assembly,

Noting the growing general feeling in favour of the universality of the United Nations, membership of which is open to all peace-loving States which in the judgment of the United Nations are able and willing to carry out the prescribed obligations, and

Considering that, in admitting new Members to the United Nations, the particular circumstances of each applicant State should be considered,

Recommends the Security Council to re-examine the applications for admission submitted by Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya and to make recommendations on each of them to the General Assembly.

Annex 7

Explanatory memorandum on the admission of new Members

(WORKING DOCUMENT SUBMITTED BY EGYPT AND THE PHILIPPINES)

THE PROBLEM

1. In view of the antecedents of the question of the admission of new Members, particularly the fact that long and detailed discussions of the purely *juridical* aspect of the problem by various United Nations bodies have yielded no fruitful results, it is believed that the terms of reference of the Special Committee fully justify consideration of proposals aimed at resolving the political impasse which has prevented the admission of new Members.

2. The problem, in short, is: Having regard to the provisions of the Charter relating to the admission of new Members, as well as to the political situation in the Security Council which has so far effectively prevented the admission of all qualified applicant States, by what means can the admission of a number of such States be effected meanwhile?

PROCEDURE OF ADMISSION

3. It is not believed possible to circumvent the rule of unanimity which has been observed in the Security Council in respect to the voting procedure on membership questions. This rule requires that an applicant State must obtain seven affirmative votes, including all the permanent members of the Security Council, before such an application can be favourably recommended by the Council to the General Assembly.

4. The validity of this practice has been sustained by the Advisory Opinion of the International Court of Justice. While the Court did hold that no member State is juridically entitled to make its consent to the admission of any State dependent on conditions not expressly provided by Article 4, paragraph 1, of the Charter, there is no means whereby the negative vote of any member State, which is admitted or known to be juridically unjustified, can be rendered null and void. The injunction, therefore, is merely a moral precept and not a legal prohibition.

THE VETO AS "EQUALIZER"

5. In the political situation obtaining in the Security Council, the admission of new Members has been effectively prevented by the simple equation of one vote equals four abstentions. There the veto has become, for all purposes, the great "equalizer". Since the abstention of four of the permanent members of the Council on the applicant Communist States has, for all practical purposes, prevented the admission of these States, the veto has been resorted to by the fifth permanent member in voting on the applications of the non-Communist States, for the same purpose and with the same effect.

6. Barring a common pledge by *all* the permanent members of the Council not to use the veto on the question of admission, the admission of any new members *via* this route of voluntary self-denial may be said to be entirely closed for the time being.

RE-EXAMINATION OF THE "PACKAGE PROPOSAL"

7. In the circumstances, the only possibility of effecting the admission of a number of qualified States is offered by the so-called "package proposal" under which the Security Council would reconsider the simul-

taneous admission of fourteen applicant States: Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya.

8. Naturally, this proposal would be valid only if all the above-mentioned fourteen States fulfil the requirements for admission set forth in Article 4 of the Charter. To arrive at a proper decision on this point, the yardstick of the Charter should be rigorously applied regardless of political or ideological considerations. Accordingly, States should be considered as peace-loving unless they are actually found by an appropriate organ of the United Nations to be guilty of a threat to the peace, a breach of the peace or an act of aggression. And they should be deemed to be willing and able to carry out the obligations of the Charter on the basis of their formal declaration that they accept those obligations, unless clear evidence, which goes beyond mere suspicion or accusation, is presented to the contrary.

9. It will thus be open to anyone in the General Assembly to oppose the inclusion of certain States in the package and to present concrete evidence that such States do not fulfil the requirements of the Charter.

10. As for the argument that the admission of various States *en bloc* is contrary to the Charter, it is not clear what provision of the Charter can be invoked in support of the argument. The admission of two or more States at the same time is forbidden by no provision of the Charter, provided they are all deemed to be qualified. Moreover, there is precedent for the procedure of admitting a group of States in the case of the technically simultaneous admission in 1946 of Afghanistan, Iceland, and Sweden by resolution S/177 of the Security Council and resolution 34 (I) of the General Assembly.

11. It is true that the International Court of Justice has given the opinion that every application for admission should be examined and voted on separately on its merits. However, the Court dealt only with the juridical aspect of the problem, where its competence is beyond question, and did not, as indeed it could not, attempt to resolve any political difficulty of the type that has developed on this problem. Such political difficulty can only be resolved by the United Nations organ concerned. Moreover, the injunction of the Court will, in fact, be observed since, as stated in paragraph 9, above, the General Assembly may, if it wishes, subsequently examine and vote separately on the merits of each application.

12. The possibility exists that an improvement in the international situation and the consequent easing of tensions might ultimately resolve the controversy on the membership question. But even short of this possibility, there is the alternative possibility of a realistic re-examination of this problem on the basis of the principle set forth by Mr. John Foster Dulles in his book "War and Peace" (1950):

"I have now come to believe that the United Nations will best serve the cause of peace if its Assembly is representative of what the world actually is, and not merely representative of the parts which we like. Therefore, we ought to be willing that all

the nations should be Members without attempting to appraise closely those which are 'good' and those

which are 'bad'. Already the distinction is obliterated by the present membership of the United Nations."

DOCUMENT A/2520

Report of the Ad Hoc Political Committee

[Original text: English]
[20 October 1953]

1. At its seventh session, on 21 December 1952, the General Assembly adopted resolution 620 (VII) concerning the question of admission of new Members. Under part A of that resolution, the Assembly, *inter alia*, established a Special Committee to make a detailed study of the question and resolved to include the item "Admission of new Members" in the provisional agenda of its eighth session.

2. The report of the Special Committee on Admission of New Members, submitted pursuant to resolution 620 (VII), was duly circulated as document A/2400 dated 25 June 1953.

3. At its 435th plenary meeting on 17 September 1953, the General Assembly decided to include the item in the agenda of the eighth session and referred it to the *Ad Hoc* Political Committee for consideration and report.

4. The *Ad Hoc* Political Committee considered the item at its 3rd to 12th meetings held between 2 and 15 October 1953.

PROPOSALS BEFORE THE COMMITTEE

5. At the outset of its work, the *Ad Hoc* Political Committee had before it two draft resolutions, submitted by Peru (A/AC.72/L.1) and by the Union of Soviet Socialist Republics (A/AC.72/L.2) on 29 and 30 September respectively. A second draft resolution was submitted by the USSR on 12 October (A/AC.72/L.5).

6. During the seventh session of the General Assembly the *Ad Hoc* Political Committee had had before it draft resolutions submitted by Peru (A/AC.61/L.30) and by Costa Rica, El Salvador, Honduras and Nicaragua (A/AC.61/L.31), together with an amendment by Argentina (A/AC.61/L.36) to the latter; these proposals had been referred to the Special Committee on Admission of New Members. In the course of the discussion in the *Ad Hoc* Political Committee at the eighth session the sponsors of the proposals indicated that they would not insist on a vote on those proposals for the time being.

(a) Draft resolution submitted by Peru and amendments thereto

7. The draft resolution submitted by Peru (A/AC.72/L.1) provided that the General Assembly, (a) having examined the report of the Special Committee on Admission of New Members; (b) considering that the aims of the Charter of the United Nations would be furthered through the co-operation of all peace-loving States; (c) considering that efforts of the General Assembly to facilitate the admission of new Members had not met with success; (d) believing that a new effort to find a solution to the problem of admission of new Members should be without prejudice to the juridical positions maintained by individual Member States and to any further consideration of the subject by the Assembly; (e) would decide to establish

a committee of good offices, consisting of representatives of three Member States, empowered to consult with members of the Security Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of qualified new Members, in accordance with Article 4 of the Charter. The Committee would report to the General Assembly as appropriate.

8. *Amendment by Argentina.* An amendment to the Peruvian draft resolution was submitted by Argentina at the 3rd meeting on 2 October (A/AC.72/L.3). The amendment provided for deletion of the first and third paragraphs of the preamble, and for re-wording the beginning of the fourth paragraph of the preamble to read "*Believing* that a new effort should be made to solve the problem of the admission of new Members." It also proposed the substitution of the words: "The said committee shall report to the General Assembly on the results of its consultations within four weeks after the approval of this resolution" for the last sentence of the operative part. This amendment was withdrawn at the 6th meeting of the Committee on 7 October. The representative of Peru, however, accepted the suggestion of the representative of Argentina that the third paragraph of the preamble of the Peruvian text should be deleted. He submitted a revised text omitting that paragraph (A/AC.72/L.1/Rev.1).

9. *Amendment by Cuba.* At the 10th meeting on 13 October an amendment (A/AC.72/L.6) to the revised Peruvian draft resolution was introduced by Cuba. The amendment provided for deletion of the provision that the proposed committee of good offices would report to the General Assembly as appropriate, replacing it with a provision requesting the Committee to submit a report on its work to the Assembly not later than the ninth session.

10. *Amendment by the USSR.* At the 11th meeting on 14 October, the USSR submitted an amendment (A/AC.72/L.7) to the Cuban amendment providing that the proposed committee of good offices should be requested to report to the eighth session of the General Assembly.

11. *Amendment by Lebanon.* At the same meeting, an amendment (A/AC.72/L.8) to the revised Peruvian text was submitted by Lebanon. The amendment was to delete the last sentence of the operative paragraph and to substitute the words: "*Requests* the Committee of Good Offices to submit a report on its work to the eighth, or at the latest, to the ninth session of the General Assembly."

12. *Amendment by France and Mexico.* An amendment (A/AC.72/L.4) to the revised Peruvian draft resolution was submitted at the same meeting by France and Mexico. It provided for the insertion, as the second paragraph of the preamble of the words: "*Considering* that the universality of the United Nations is not subject to any conditions other than those stipulated in the Charter."

13. At the 11th meeting on 14 October, the representative of Brazil proposed that the committee of good offices envisaged in the revised Peruvian proposal should consist of representatives of Egypt, the Netherlands and Peru.

14. A second revision of the Peruvian draft resolution (A/AC.72/L.1/Rev.2) was submitted at the 12th meeting on 15 October. It incorporated the amendments of Cuba (A/AC.72/L.6) and of France and Mexico (A/AC.72/L.4). In accordance with an oral proposal made by the representatives of Indonesia and Pakistan, the word "qualified" was omitted from the first operative paragraph.

(b) *Draft resolutions submitted by the Union of Soviet Socialist Republics*

15. The draft resolution submitted by the USSR (A/AC.72/L.2) on 30 September provided that the General Assembly should request the Security Council to reconsider the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya, with a view to making a recommendation for the simultaneous admission of all those States to membership in the United Nations.

16. At the 9th meeting on 12 October, the USSR submitted a second draft resolution (A/AC.72/L.5), under which the General Assembly: (a) considering that the Treaties of Peace with Bulgaria, Hungary, Romania, Finland and Italy specially provided that the Allied and Associated Powers would support the applications of those States for membership in the United Nations; (b) considering that Bulgaria, Hungary, Romania, Finland and Italy had applied to the United Nations in 1947 for admission to the Organization; (c) would request the Security Council, as a first step towards settling the question of the admission of new Members, to re-examine the applications of Bulgaria, Hungary, Romania, Finland and Italy with a view to the adoption of a recommendation for the simultaneous admission of all those States to membership in the United Nations.

17. At the 10th meeting on 13 October, the representative of the USSR indicated that he would not insist on a vote on the first draft resolution submitted by his delegation (A/AC.72/L.2).

18. At the 12th meeting on 15 October, following the adoption of the amendment Peruvian draft resolution (see paragraph 19 below), the representative of the USSR stated that he would not insist on a vote on the second draft resolution submitted by his delegation (A/AC.72/L.5), pending completion of the work of the committee of good offices provided for in the draft resolution recommended by the *Ad Hoc* Political Committee.

VOTING ON PROPOSALS

19. The Committee voted upon the revised Peruvian draft resolution (A/AC.72/L.1/Rev.2) and the amendments thereto at the 12th meeting on 15 October.

The preamble was adopted by 57 votes to none.

Prior to the vote on the preamble, the representative of the USSR requested that his delegation should be recorded as abstaining on the second paragraph (originally the amendment submitted by France and Mexico).

Paragraph 1 of the operative part was adopted by 57 votes to none.

The Brazilian proposal that the committee of good offices mentioned in paragraph 1 of the operative part should consist of representatives of Egypt, the Netherlands and Peru was adopted by 56 votes to none, with 1 abstention.

The USSR amendment (A/AC.72/L.7) to paragraph 2 of the operative part (originally an amendment to the Cuban amendment) was rejected by 30 votes to 5, with 20 abstentions.

The Lebanese amendment (A/AC.72/L.8) to paragraph 2 of the operative part was adopted by 23 votes to 11, with 23 abstentions.

The revised Peruvian draft resolution, as amended, was adopted as a whole, by 60 votes to none, with no abstentions.

20. The *Ad Hoc* Political Committee therefore unanimously recommends to the General Assembly the adoption of the following draft resolution:

Draft resolution

ADMISSION OF NEW MEMBERS

The General Assembly,

Having examined the report of the Special Committee on Admission of New Members (A/2400),

Considering that universality of membership in the United Nations is subject only to the provisions of the Charter,

Considering that the aims of the Charter of the United Nations would be furthered through the co-operation of all peace-loving States,

Believing that a new effort to find a solution to this problem should be without prejudice to the juridical positions maintained by individual Members of the United Nations and to any further consideration of the subject by the General Assembly,

1. *Decides* to establish a Committee of Good Offices, consisting of the representatives of Egypt, the Netherlands and Peru, empowered to consult with members of the Security Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of new Members in accordance with Article 4 of the Charter;

2. *Requests* the Committee of Good Offices to submit a report on its work to the eighth or, at the latest, to the ninth session of the General Assembly.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted the draft resolution submitted by the *Ad Hoc* Political Committee. For the final text, see resolution 718 (VIII).

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A/AC.72/L.2	Union of Soviet Socialist Republics: draft resolution		See A/2520, para. 15
A/AC.72/L.3	Argentina: amendments to the draft resolution submitted by Peru (A/AC.72/L.1)		See A/2520, para. 8
A/AC.72/L.4	France and Mexico: amendment to the revised draft resolution submitted by Peru (A/AC.72/L.1/Rev.1)		See A/2520, para. 12
A/AC.72/L.5	Union of Soviet Socialist Republics: draft resolution		See A/2520, para. 16
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A/AC.72/L.7	Union of Soviet Socialist Republics: amendment to the amendment submitted by Cuba (A/AC.72/L.6)		See A/2520, para. 10
A/AC.72/L.8	Lebanon: amendment to the revised draft resolution submitted by Peru (A/AC.72/L.1/Rev.1)		See A/2520, para. 11
A/AC.72/L.9	Draft resolution adopted by the <i>Ad Hoc</i> Political Committee at its 12th meeting on 15 October 1953		See A/2520, para. 20
A/Resolution/116	Resolution adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 718 (VIII)</i>

GENERAL ASSEMBLY



ANNEXES

EIGHTH SESSION

Official Records

HEADQUARTERS, NEW YORK, 1953

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DOCUMENT A/2444

Letter dated 20 August 1953 from the Chairman of the Disarmament Commission to the Secretary-General transmitting the third report of the Disarmament Commission

[Original text: English]
[24 August 1953]

I have the honour to forward herewith the third report (DC/32) of the Disarmament Commission and would request that you be good enough to transmit it to the General Assembly and to the Security Council pursuant to paragraph 3 of General Assembly resolution 704 (VII).

(Signed) Alexis KYROU
Chairman, Disarmament Commission

DOCUMENT A/C.1/L.72

Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

[Original text: English and French]
[6 November 1953]

The General Assembly,

Reaffirming the responsibility of the United Nations for considering the problem of disarmament and the regulation of armaments,

Mindful that progress in the settlement of existing international disputes and the resulting re-establishment of confidence are vital to the attainment of peace and disarmament and that efforts to reach agreement on a comprehensive and co-ordinated disarmament programme with adequate safeguards should be made concurrently with progress in the settlement of international disputes,

Believing that progress in either field would contribute to progress in the other,

Confident that once such a programme has been agreed and put into effect, all States will stand ready to ask their peoples to devote a portion of the savings thereby achieved to an international fund to assist development and reconstruction in under-developed areas of the world,

Having received the third report of the Disarmament

Commission of 20 August 1953, submitted in accordance with General Assembly resolution 704 (VII) of 8 April 1953,

Endorsing the Commission's hope that recent events will create a more propitious atmosphere for reconsideration of the disarmament question, whose capital importance in conjunction with other questions affecting the maintenance of peace is recognized by all,

1. Takes note of the third report of the Disarmament Commission;

2. Requests the Commission to continue its efforts to reach agreement on the problems with which it is concerned and to report again to the General Assembly and the Security Council not later than 1 September 1954;

3. Calls on all Member States and particularly the major Powers to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they have to make in the field of disarmament.

DOCUMENT A/C.1/L.72/Rev.1

Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

[Original text: English and French]
[11 November 1953]

The General Assembly,

Reaffirming the responsibility of the United Nations for considering the problem of disarmament and the regulation of armaments,

Mindful that progress in the settlement of existing international disputes and the resulting re-establishment of confidence are vital to the attainment of peace and disarmament and that efforts to reach agreement on a comprehensive and co-ordinated disarmament programme with adequate safeguards should be made concurrently with progress in the settlement of international disputes,

Believing that progress in either field would contribute to progress in the other,

Conscious of the continuing desire of all nations, by lightening the burden of armaments, to release more of the world's human and economic resources for peace,

Having received the third report of the Disarmament Commission of 20 August 1953, submitted in accordance with General Assembly resolution 704 (VII) of 8 April 1953,

Endorsing the Commission's hope that recent events will create a more propitious atmosphere for reconsideration of the disarmament question, whose capital importance in conjunction with other questions affecting the maintenance of peace is recognized by all,

1. *Recognizes* the general wish and affirms its earnest desire to eliminate altogether, as a part of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and armaments, the use of, and power to use, all major weapons adaptable to mass destruction including atomic, hydrogen, bacterial and chemical weapons through reaching agreement as early as possible on effective measures to achieve this end;

2. *Takes note* of the third report of the Disarmament Commission;

3. *Requests* the Commission to continue its efforts to reach agreement on the problems with which it is

concerned and to report again to the General Assembly and the Security Council not later than 1 September 1954;

4. *Calls on* all Member States and particularly the major Powers to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they have to make in the field of disarmament;

5. *Suggests* that the Disarmament Commission study the desirability of establishing a small sub-committee consisting of representatives of the Powers principally involved, which should seek in private an acceptable solution and report to the Disarmament Commission.

DOCUMENT A/C.1/L.72/Rev.3

Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

[Original text: English and French]
[16 November 1953]

The General Assembly,

Reaffirming the responsibility of the United Nations for reconsidering the problem of disarmament and affirming the need of providing for:

(a) The regulation, limitation and balanced reduction of all armed forces and armaments;

(b) The elimination and prohibition of atomic, hydrogen and other types of weapons of mass destruction;

(c) The effective international control of atomic energy to insure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;

the whole programme to be carried out under effective international control and in such a way that no State would have cause to fear that its security was endangered,

Believing that the continued development of weapons of mass destruction such as atomic and hydrogen bombs has given additional urgency to efforts to bring about effectively controlled disarmament throughout the world, as the existence of civilization itself may be at stake,

Mindful that progress in the settlement of existing international disputes and the resulting re-establishment of confidence are vital to the attainment of peace and disarmament and that efforts to reach agreement on a comprehensive and co-ordinated disarmament programme with adequate safeguards should be made concurrently with progress in the settlement of international disputes,

Believing that progress in either field would contribute to progress in the other,

Realizing that competition in the development of armaments and armed forces beyond what is necessary for the individual or collective security of Member States in accordance with the Charter of the United Nations is not only economically unsound but is in itself a grave danger to peace,

Conscious of the continuing desire of all nations, by lightening the burden of armaments, to release more of the world's human and economic resources for peace,

Having received the third report of the Disarmament Commission of 20 August 1953, submitted in accordance with General Assembly resolution 704 (VII) of 8 April 1953,

Endorsing the Commission's hope that recent international events will create a more propitious atmosphere for reconsideration of the disarmament question, whose capital importance in conjunction with other questions affecting the maintenance of peace is recognized by all,

1. *Recognizes* the general wish and affirms its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures;

2. *Takes note* of the third report of the Disarmament Commission;

3. *Requests* the Commission to continue its efforts to reach agreement on the problems with which it is concerned, taking into consideration proposals made at the eighth session of the General Assembly, and to report again to the General Assembly and to the Security Council not later than 1 September 1954;

4. *Calls on* all Member States and particularly the major Powers to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they have to make in the field of disarmament;

5. *Suggests* that the Disarmament Commission study the desirability of establishing a sub-committee consisting of representatives of the Powers principally involved, which should seek in private an acceptable solution and report to the Disarmament Commission as soon as possible in order that the Commission may study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954.

DOCUMENT A/C.1/L.74

India : amendments to the draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72)

[Original text: English]
[9 November 1953]

1. Replace the fourth paragraph of the preamble by the following :
"Realizing that an armaments race is not only economically unsound but is in itself a grave danger to peace".
2. Insert a new operative paragraph 1 as follows :
"Recognizes the general wish and affirms its earnest desire to eliminate altogether the use and power to use atomic, bacterial, chemical and all such other weapons of war and mass destruction and to reach agreement as early as possible on effective measures to achieve this end".
3. Renumber the existing operative paragraphs 1, 2 and 3.
4. Insert an additional operative paragraph 5 as follows :
"Urges the representatives of the Governments of the United States, the Union of Soviet Socialist Republics, the United Kingdom, France and Canada to hold private talks on problems of disarmament without prejudice to the work of the Disarmament Commission, to facilitate progress towards agreement in this field".

DOCUMENT A/C.1/L.74/Rev.1

India : revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)

[Original text: English]
[11 November 1953]

1. After the third paragraph of the preamble, insert a new paragraph as follows :
"Realizing that an armament race is not only economically unsound but is in itself a grave danger to peace".
2. Replace operative paragraph 1 by the following :
"Recognizes the general wish and affirms its earnest desire to eliminate altogether the use and power to use atomic, bacterial, chemical and all such other weapons of war and mass destruction and to reach agreement as early as possible on effective measures to achieve this end".
3. In operative paragraph 5, delete the word "small".

DOCUMENT A/C.1/L.74/Rev.2

India ; revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)

[Original text: English]
[13 November 1953]

1. After the third paragraph of the preamble, insert a new paragraph as follows :
"Realizing that competitive rearmament is not only economically unsound but is in itself a grave danger to peace".
2. Replace operative paragraph 1 by the following :
"Recognizes the general wish and affirms its earnest desire to eliminate altogether the use and power to use atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction and to reach agreement as early as possible on effective measures to achieve this end and on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and armaments".
3. In operative paragraph 5, delete the word "small".

DOCUMENT A/C.1/L.74/Rev.3

India : revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)

[Original text : English]
[14 November 1953]

1. After the third paragraph of the preamble, insert a new paragraph as follows :
"Realizing that competitive rearmament is not only economically unsound but is in itself a grave danger to peace".
2. Replace operative paragraph 1 by the following :
"Recognizes the general wish and affirms its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and armaments and for effective measures to eliminate altogether the use and power to use atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction".
3. In operative paragraph 5, delete the word "small".
4. Add a new operative paragraph 6 :
"Further requests the Disarmament Commission in order to facilitate the progress of its work to arrange for the sub-committee, when established, to hold its private meetings in the different countries most concerned with the problem".

DOCUMENT A/C.1/L.74/Rev.4

India : revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)

[Original text : English]
[16 November 1953]

1. After the third paragraph of the preamble, insert a new paragraph as follows :
"Realizing that competition in the development of armaments and armed forces beyond what is necessary for the individual or collective security of Member States in accordance with the Charter of the United Nations is not only economically unsound but is in itself a grave danger to peace".
 2. Replace operative paragraph 1 by the following :
"Recognizes the general wish and affirms its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures".
 3. In operative paragraph 5, delete the word "small".
 4. Add a new operative paragraph 6 :
"Further suggests to the Disarmament Commission in order to facilitate the progress of its work to arrange for the sub-committee, when established, to hold its private meetings as appropriate in the different countries most concerned with the problem".
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DOCUMENT A/C.1/L.75/Rev.1

Union of Soviet Socialist Republics: revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)

[Original text: Russian]
[13 November 1953]

1. In the first paragraph of the preamble, add the following after the words "and the regulation of armaments":

"and the problem of the prohibition of atomic, hydrogen and other types of weapons of mass destruction, and of the establishment of international control over the observance of that prohibition".

2. Replace the second paragraph of the preamble by the following:

"Recognizing that, for the purposes of strengthening the peace and security of the nations and successfully settling controversial international problems, the primary task is to secure the immediate settlement of the question of the reduction of armaments, the prohibition of atomic and hydrogen weapons and the establishment of strict international control over the observance of that prohibition".

3. Amend the third paragraph of the preamble to read as follows:

"Believing that progress in the above-mentioned field would also contribute to progress in the settlement of other controversial international problems".

4. Replace paragraph 3 of the operative part by the following:

"3. Requests the Commission to submit to the Security Council not later than 1 March 1954 proposals providing in the first place for a substantial reduction in the armaments of the five Powers—the United States of America, the United Kingdom, France, the People's Republic of China and the Soviet Union—and for the prohibition of atomic, hydrogen and other types of weapons of mass destruction, and the establishment at the same time of strict international control over the observance of that prohibition".

DOCUMENT A/C.1/L.75/Rev.2

Union of Soviet Socialist Republics: revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)

[Original text: Russian]
[13 November 1953]

1. In the first paragraph of the preamble, add the following after the words "and the regulation of armaments":

"and the problem of the prohibition of atomic, hydrogen and other types of weapons of mass destruction, and of the establishment of international control over the observance of that prohibition".

2. Replace the second paragraph of the preamble by the following:

"Recognizing that, for the purposes of strengthening the peace and security of the nations and successfully settling controversial international problems, the primary task is to secure the immediate settlement of the question of the reduction of armaments, the prohibition of atomic and hydrogen weapons and the establishment of strict international control over the observance of that prohibition".

3. Amend the third paragraph of the preamble to read as follows:

"Believing that progress in the above-mentioned field would also contribute to progress in the settlement of other controversial international problems".

4. Replace paragraph 1 of the operative part by the following:

"Recognizes that the use of atomic and hydrogen weapons as weapons of aggression and mass destruction is contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and declares that the government which is the first to use the atomic, hydrogen or any other instrument of mass destruction against any other country commits a crime against humanity and will be deemed a war criminal".

5. Replace paragraph 3 of the operative part by the following:

"Requests the Commission to submit to the Security Council not later than 1 March 1954 proposals providing in the first place for a substantial reduction in the armaments of the five Powers—the United States of America, the United Kingdom, France, the People's Republic of China and the Soviet Union—and also for the prohibition of atomic, hydrogen and other types of weapons of mass destruction together with the simultaneous establishment of strict international control over the observance of that prohibition".

DOCUMENT A/C.1/L.75/Rev.3

Union of Soviet Socialist Republics: revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.3)

[Original text: Russian]
[18 November 1953]

1. Replace the third paragraph of the preamble by the following:

"Recognizing that for the purposes of strengthening the peace and security of the nations and successfully settling controversial international problems the primary task is to secure the immediate settlement of the question of the reduction of armaments, the prohibition of atomic and hydrogen weapons and the establishment of strict international control over the observance of that prohibition".

2. Amend the fourth paragraph of the preamble to read as follows:

"Believing that progress in the above-mentioned field would also contribute to progress in the settlement of other controversial international problems".

3. Replace paragraph 1 of the operative part by the following:

"Recognizes that the use of atomic and hydrogen weapons as weapons of aggression and mass destruction

is contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and declares that the government which is the first to use the atomic, hydrogen or any other instrument of mass destruction against any other country commits a crime against humanity and will be deemed a war criminal".

4. Replace paragraph 3 of the operative part by the following:

"Requests the Commission to submit to the Security Council not later than 1 March 1954 proposals providing in the first place for a substantial reduction in the armaments of the five Powers—the United States of America, the United Kingdom, France, the People's Republic of China and the Soviet Union—and also for the prohibition of atomic, hydrogen and other types of weapons of mass destruction together with the simultaneous establishment of strict international control over the observance of that prohibition".

DOCUMENT A/C.1/L.77

Union of Soviet Socialist Republics: amendment to the amendment submitted by Australia (A/C.1/L.76)

[Original text: Russian]
[13 November 1953]

Delete the words "effectively controlled disarmament throughout the world" and replace them by the following:

"the prohibition of atomic, hydrogen and other types of weapons of mass destruction and the establishment at the same time of strict international control over the observance of that prohibition".

DOCUMENT A/C.1/L.83

France, United Kingdom of Great Britain and Northern Ireland and United States of America: amendment to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)

[Original text: English and French]
[16 November 1953]

Replace the first paragraph of the preamble by the following:

"Reaffirming the responsibility of the United Nations for considering the problem of disarmament and the regulation of armaments and affirming the need of providing for:

"(a) The regulation, limitation and balanced reduction of all armed forces and armaments,

"(b) The elimination and prohibition of atomic, hydrogen and other types of weapons of mass destruction,

"(c) The effective international control of atomic energy to insure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only, the whole programme to be carried out under effective international control and in such a way that no State would have cause to fear that its security was endangered."

DOCUMENT A/C.1/L.85**India: amendments to the revised amendments submitted by the USSR (A/C.1/L.75/Rev.2)**[Original text: English]
[16 November 1953]

1. Amend paragraph 1 to read as follows:

"In the first paragraph of the preamble, add the following after the words "and the regulation of armaments":

'including the problems of prohibition and elimination of atomic, hydrogen, chemical, bacterial and all such other types of weapons of mass destruction under international control and effective measures for the enforcement of such prohibition and elimination'".

2. Amend paragraph 3 to read as follows:

"Amend the third paragraph of the preamble to read as follows:

" 'Believing that progress in the field referred to in paragraph 1 of this preamble would also contribute to progress in the settlement of other controversial international problems.

" 'Further believing that progress in either field would contribute to progress in the other'".

DOCUMENT A/C.1/L.86**India: draft resolution**[Original text: English]
[16 November 1953]*The General Assembly*

Remits to the Disarmament Commission for its consideration the proposals of the USSR delegation contained in paragraphs 2, 4 and 5 of document A/C.1/L.75/Rev.2.

DOCUMENT A/C.1/L.87**Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: amendment to the revised amendments submitted by the USSR (A/C.1/L.75/Rev.2)**[Original text: English]
[17 November 1953]

Amend paragraph 4 to read:

"4. Insert after paragraph 1 of the operative part the following:

'Recognizes that, whatever the weapons used, aggression is contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and is the gravest of all crimes against peace and security throughout the world'".

DOCUMENT A/2562**Report of the First Committee**[Original text: English]
[20 November 1953]

1. By resolution 704 (VII) of 8 April 1953, the General Assembly requested the Disarmament Commission to submit a third report to the General Assembly and to the Security Council no later than 1 September 1953. The third report (DC/32) was duly submitted to the Security Council and to the Members of the United Nations.

2. At its 435th meeting on 17 September 1953, the General Assembly decided to include the report of the

Disarmament Commission in the agenda of its eighth session under the title: "Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission". At the same meeting, the General Assembly referred the item to the First Committee for consideration and report.

3. The First Committee considered the question at its 658th to 669th meetings held between 6 and 18 November 1953.

4. At the 658th meeting, Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States submitted a joint draft resolution (A/C.1/L.72) which was revised at the 662nd meeting (A/C.1/L.72/Rev.1) and at the 668th meeting (A/C.1/L.72/Rev.3) to incorporate certain amendments and suggestions submitted during the debate. This revised joint draft resolution provided that the General Assembly should, *inter alia*: (1) recognize the general wish and affirm its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures; (2) take note of the third report of the Disarmament Commission; (3) request the Commission to continue its efforts to reach agreement on the problems with which it was concerned, taking into consideration proposals made at the eighth session of the General Assembly, and to report again to the General Assembly and to the Security Council not later than 1 September 1954; (4) call on all Member States and particularly the major Powers to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they might have to make in the field of disarmament; and (5) suggest that the Disarmament Commission should study the desirability of establishing a sub-committee consisting of representatives of the Powers principally involved, which should seek in private an acceptable solution and report to the Disarmament Commission as soon as possible in order that the Commission might study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954.

5. At the 660th meeting, India submitted an amendment (A/C.1/L.74) to the fourteen-Power draft resolution which was revised at the 662nd meeting (A/C.1/L.74/Rev.1), at the 664th meeting (A/C.1/L.74/Rev.2) at the 666th meeting (A/C.1/L.74/Rev.3) and at the 667th meeting (A/C.1/L.74/Rev.4) to provide for (1) the insertion after the third paragraph of the preamble of a new paragraph providing that the General Assembly should express the realization that competition in the development of armaments and armed forces beyond what was necessary for the individual or collective security of Member States in accordance with the Charter of the United Nations was not only economically unsound but was in itself a grave danger to peace; (2) the deletion of operative paragraph 1 and the substitution of a new paragraph providing that the Assembly should recognize the general wish and affirm its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures; (3) the deletion of the word "small" in operative paragraph 5; and (4) the addition of a new operative paragraph 6 suggesting that the Disarmament Commission, in order to facilitate the progress of its work, should arrange for the sub-committee, when established, to hold its private meetings as appropriate in the different countries most concerned with the problem.

6. At the 661st meeting, the Union of Soviet Socialist Republics submitted an amendment (A/C.1/L.75) to the fourteen-Power draft resolution which was revised at the

664th meeting (A/C.1/L.75/Rev.1), at the 665th meeting (A/C.1/L.75/Rev.2), and at the 669th meeting (A/C.1/L.75/Rev.3) to provide for (1) the replacement of the third paragraph of the preamble by a new paragraph recognizing that, for the purposes of strengthening the peace and security of the nations and successfully settling controversial international problems, the primary task was to secure the immediate settlement of the question of the reduction of armaments, the prohibition of atomic and hydrogen weapons and the establishment of strict international control over the observance of that prohibition; (2) the amendment of the fourth paragraph of the preamble to express the belief that progress in the above-mentioned field would also contribute to progress in the settlement of other controversial international problems; (3) the replacement of operative paragraph 1 by a new paragraph providing that the Assembly should recognize that the use of atomic and hydrogen weapons as weapons of aggression and mass destruction was contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and declare that the government which was the first to use the atomic, hydrogen or any other instrument of mass destruction against any other country would commit a crime against humanity and would be deemed a war criminal; and (4) the replacement of operative paragraph 3 by a new paragraph providing that the Disarmament Commission should be requested to submit to the Security Council not later than 1 March 1954 proposals providing in the first place for a substantial reduction in the armaments of the five Powers—the United States of America, the United Kingdom, France, the People's Republic of China and the Soviet Union—and also for the prohibition of atomic, hydrogen and other types of weapons of mass destruction together with the simultaneous establishment of strict international control over the observance of that prohibition.

7. At the 662nd meeting, Australia submitted an amendment (A/C.1/L.76) to the fourteen-Power draft resolution, providing for the insertion, after the third paragraph of the preamble, of a new paragraph expressing belief that the continued development of weapons of mass destruction such as atomic and hydrogen bombs had given additional urgency to efforts to bring about effectively controlled disarmament throughout the world, as the existence of civilization itself might be at stake. This amendment was accepted by the fourteen Powers and incorporated in the revised joint resolution (A/C.1/L.72/Rev.3).

8. At the 664th meeting, the Union of Soviet Socialist Republics submitted an amendment (A/C.1/L.77) to the Australian amendment (A/C.1/L.76) providing for the deletion of the words "effectively controlled disarmament throughout the world" and their replacement by the following: "the prohibition of atomic, hydrogen and other types of weapons of mass destruction and the establishment at the same time of strict international control over the observance of that prohibition". At the 666th meeting, the Union of Soviet Socialist Republics withdrew this amendment.

9. At the 665th meeting, Egypt submitted an amendment (A/C.1/L.78) to the joint draft resolution providing for the addition, at the end of operative paragraph 5, of the following: "as soon as possible in order that the Commission may study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954." This amendment was accepted by the fourteen Powers and incorporated in the revised joint draft resolution (A/C.1/L.72/Rev.3).

10. At the same meeting, Poland submitted an amendment (A/C.1/L.79) to the Indian amendment (A/C.1/L.74/Rev.2) to replace, in point 1, the words "competitive rearmament" by "an armament race". At the 668th meeting, Poland withdrew this amendment.

11. At the 666th meeting, Peru submitted an amendment (A/C.1/L.80) to the Indian amendment (A/C.1/L.74/Rev.2) to replace, in point 1, the words "competitive rearmament" by "competition in the development of armaments and armed forces beyond what is necessary for the individual or collective security of Member States". The addition of the words "in accordance with the Charter of the United Nations" was orally accepted by the representative of Peru at the same meeting. This amendment, as revised, was accepted by India and incorporated in its revised amendment (A/C.1/L.74/Rev.4).

12. At the 667th meeting, Yugoslavia submitted an amendment (A/C.1/L.81) to the joint draft resolution to replace, in the first paragraph of the preamble, the words "disarmament and the regulation of armaments" by "the regulation, limitation and reduction of all armed forces and armaments and the elimination of all weapons adaptable to mass destruction including atomic, hydrogen, bacterial and chemical weapons". At the 668th meeting, Yugoslavia withdrew this amendment.

13. At the 667th meeting, Yugoslavia submitted an amendment (A/C.1/L.82) to the Australian amendment (A/C.1/L.76) providing for the insertion, between the words "world" and "as", of "in order to eliminate altogether the use and power to use atomic, hydrogen, bacterial, chemical and all other such weapon of mass destruction". At the 669th meeting, Yugoslavia withdrew this amendment.

14. At the 667th meeting, France, the United Kingdom and the United States submitted an amendment (A/C.1/L.83) to the joint draft resolution replacing the first paragraph of the preamble with a new paragraph providing that the General Assembly should reaffirm the responsibility of the United Nations for considering the problem of disarmament and the regulation of armaments and affirm the need of providing for (a) the regulation, limitation and balanced reduction of all armed forces and armaments; (b) the elimination and prohibition of atomic, hydrogen and other types of weapons of mass destruction; and (c) the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only; the whole programme to be carried out under effective international control and in such a way that no State would have cause to fear that its security was endangered. This amendment was incorporated in the revised fourteen-Power draft resolution (A/C.1/L.72/Rev.3).

15. At the same meeting, France, the United Kingdom and the United States submitted an amendment (A/C.1/L.84) to the joint draft resolution amending operative paragraph 3 to provide that the Assembly should request the Commission to continue its efforts to reach agreement on the problems with which it was concerned, taking into consideration the proposals made at the eighth session of the Assembly, and to report again to the Assembly and to the Security Council not later than 1 September 1954. This amendment was incorporated in the revised fourteen-Power draft resolution (A/C.1/L.72/Rev.3).

16. At the 667th meeting, India submitted amendments (A/C.1/L.85) to the revised USSR amendments (A/C.1/L.75/Rev.2) providing for (1) the addition to the first paragraph of the preamble, after the words "and the regulation of armaments", of "including the problems of

prohibition and elimination of atomic, hydrogen, chemical, bacterial and all such other types of weapons of mass destruction under international control and effective measures for the enforcement of such prohibition and elimination"; and (2) the amendment of the third paragraph of the preamble to express the belief that progress in the field referred to in paragraph 1 of this preamble would also contribute to progress in the settlement of other controversial international problems and that progress in either field would contribute to progress in the other. The first of these amendments was not put to the vote; following the rejection of the first part of the second amendment at the 669th meeting, the second part was withdrawn.

17. At the 667th meeting, India submitted a draft resolution (A/C.1/L.86) providing that the General Assembly should remit to the Disarmament Commission for its consideration paragraphs 2, 4 and 5 of the USSR proposals (A/C.1/L.75/Rev.2). At the 669th meeting, India withdrew this draft resolution.

18. At the 668th meeting, Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States submitted an amendment (A/C.1/L.87) to the revised USSR amendments (A/C.1/L.75/Rev.2) providing that the General Assembly should recognize that, whatever the weapons used, aggression was contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and was the gravest of all crimes against peace and security.

19. At the 669th meeting, the Committee proceeded to vote paragraph by paragraph on the fourteen-Power draft resolution (A/C.1/L.72/Rev.3), the Indian amendments (A/C.1/L.74/Rev.4), the USSR amendments (A/C.1/L.75/Rev.3), the Indian amendment (A/C.1/L.85) and the fourteen-Power amendment (A/C.1/L.87) with the following results:

Preamble

The first paragraph of the preamble of the fourteen-Power draft resolution was adopted by 59 votes to none.

The second paragraph was adopted by 54 votes to none, with 5 abstentions.

The USSR amendment relating to the third paragraph was rejected by 37 votes to 5, with 17 abstentions.

The third paragraph was adopted by 54 votes to 5.

The first paragraph of the Indian amendment to the USSR amendment relating to the fourth paragraph was rejected by 27 votes to 21, with 10 abstentions. The second paragraph was therefore not put to the vote.

The USSR amendment relating to the fourth paragraph was rejected by 33 votes to 14, with 12 abstentions.

The fourth paragraph was adopted by 53 votes to none, with 6 abstentions.

The fifth paragraph was adopted by 53 votes to none, with 5 abstentions.

The sixth paragraph was adopted by 59 votes to none.

The seventh paragraph was adopted by 54 votes to none, with 5 abstentions.

The eighth paragraph was adopted by 54 votes to none, with 5 abstentions.

Operative part

The Committee decided, by 40 votes to 5, with 15 abstentions, to give priority in voting to the fourteen-Power amendment.

The fourteen-Power amendment to the USSR amendment relating to paragraph 1 of the operative part of the fourteen-Power draft resolution was adopted by 53 votes to none, with 6 abstentions. The fourteen-Power amend-

ment having been adopted, the Committee decided, by 36 votes to 5, with 17 abstentions, not to vote on the USSR amendment.

Paragraph 1, as amended, was then adopted by 53 votes to none, with 5 abstentions, the fourteen-Power amendment becoming a new paragraph 2 with subsequent paragraphs being renumbered accordingly.

Paragraph 3 was adopted by 52 votes to none, with 5 abstentions.

The USSR amendment relating to paragraph 4 was rejected by 36 votes to 5, with 17 abstentions.

Paragraph 4 was adopted by 53 votes to none, with 5 abstentions.

Paragraph 5 was adopted by 54 votes to none, with 5 abstentions.

Paragraph 6 was adopted by 54 votes to none, with 5 abstentions.

The Indian amendment providing for an additional paragraph was adopted by 45 votes to none, with 13 abstentions.

The fourteen-Power draft resolution as a whole, as amended, was adopted by a roll-call vote of 54 votes to none, with 5 abstentions, as follows :

In favour : Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Abstaining : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Recommendation of the First Committee

20. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution :

Draft resolution

REGULATION, LIMITATION AND BALANCED REDUCTION OF ALL ARMED FORCES AND ALL ARMAMENTS : REPORT OF THE DISARMAMENT COMMISSION

The General Assembly,

Reaffirming the responsibility of the United Nations for considering the problem of disarmament and affirming the need of providing for :

(a) The regulation, limitation and balanced reduction of all armed forces and all armaments,

(b) The elimination and prohibition of atomic, hydrogen and other types of weapons of mass destruction,

(c) The effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only, the whole programme to be carried out under effective international control and in such a way that no State would have cause to fear that its security was endangered,

Believing that the continued development of weapons of mass destruction such as atomic and hydrogen bombs has given additional urgency to efforts to bring about effectively controlled disarmament throughout the world, as the existence of civilisation itself may be at stake,

Mindful that progress in the settlement of existing international disputes and the resulting re-establishment of confidence are vital to the attainment of peace and disarmament and that efforts to reach agreement on a comprehensive and co-ordinated disarmament programme with adequate safeguards should be made concurrently with progress in the settlement of international disputes,

Believing that progress in either field would contribute to progress in the other,

Realizing that competition in the development of armaments and armed forces beyond what is necessary for the individual or collective security of Member States in accordance with the Charter of the United Nations is not only economically unsound but is in itself a grave danger to peace.

Conscious of the continuing desire of all nations, by lightening the burden of armaments, to release more of the world's human and economic resources for peace,

Having received the third report (DC/32) of the Disarmament Commission of 20 August 1953, submitted in accordance with General Assembly resolution 704 (VII) of 8 April 1953,

Endorsing the Commission's hope that recent international events will create a more propitious atmosphere for reconsideration of the disarmament question, the capital importance of which, in conjunction with other questions affecting the maintenance of peace, is recognized by all,

1. *Recognizes* the general wish and affirms its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and all armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures ;

2. *Recognizes* that, whatever the weapons used, aggression is contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and is the gravest of all crimes against peace and security throughout the world ;

3. *Takes note* of the third report of the Disarmament Commission ;

4. *Requests* the Commission to continue its efforts to reach agreement on the problems with which it is concerned, taking into consideration proposals made at the eighth session of the General Assembly, and to report again to the General Assembly and to the Security Council not later than 1 September 1954 ;

5. *Calls on* all Member States and particularly the major Powers to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they have to make in the field of disarmament ;

6. *Suggests* that the Disarmament Commission study the desirability of establishing a sub-committee consisting of representatives of the Powers principally involved, which should seek in private an acceptable solution and report to the Disarmament Commission as soon as possible in order that the Commission may study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954 ;

7. *Further suggests* to the Disarmament Commission in order to facilitate the progress of its work to arrange for the sub-committee, when established, to hold its private meetings as appropriate in the different countries most concerned with the problem.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 460th plenary meeting, on 28 November 1953, the General Assembly adopted the draft resolution submitted by the First Committee (see above) For the final text see resolution 715 (VIII).

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A/2444	Letter dated 20 August 1953 from the Chairman of the Disarmament Commission to the Secretary-General transmitting the third report of the Disarmament Commission	2	
A/2485/Rev.1	Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the eighth session		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 73
A/2562	Report of the First Committee	8	
A/C.1/677	Letter dated 10 December 1951 addressed to the Chairman of the First Committee from the President of the General Assembly transmitting the memorandum prepared by him in his capacity as Chairman of Sub-Committee 18		Official Records of the General Assembly, Sixth Session, Annexes, agenda items 66 and 16
A/C.1/680	Poland: draft resolution		Ibid.
A/C.1/698	Union of Soviet Socialist Republics: revised draft resolution		Ibid., agenda item 67
A/C.1/L.31	Union of Soviet Socialist Republics: draft resolution		Ibid., Seventh Session, Annexes, agenda item 17
A/C.1/L.72	Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, United Kingdom of Great Britain and Northern Ireland, and United States of America: draft resolution	2	
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A/C.1/L.74/Rev.4	India: revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1) ..	5	
A/C.1/L.75	Union of Soviet Socialist Republics: amendments to the draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72)		Superseded by A/C.1/L.75/Rev.1
A/C.1/L.75/Rev.1	Union of Soviet Socialist Republics: revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)	6	
A/C.1/L.75/Rev.2	Union of Soviet Socialist Republics: revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)	6	

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A/C.1/L.75/Rev.3	Union of Soviet Socialist Republics: revised amendments to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.3)	7	
A/C.1/L.76	Australia: amendment to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)		Incorporated in the record of the 662nd meeting of the First Committee, para. 19
A/C.1/L.77	Union of Soviet Socialist Republics: amendment to the amendment submitted by Australia (A/C.1/L.76)	7	
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A/C.1/L.79	Poland: amendment to the revised amendments submitted by India (A/C.1/L.74/Rev.2)		Incorporated in the record of the 665th meeting of the First Committee, para. 57
A/C.1/L.80	Peru: amendment to the revised amendments submitted by India (A/C.1/L.74/Rev.2)		Incorporated in the record of the 666th meeting of the First Committee, para. 26
A/C.1/L.81	Yugoslavia: amendment to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)		Incorporated in the record of the 667th meeting of the First Committee, para. 7
A/C.1/L.82	Yugoslavia: amendment to the amendment submitted by Australia (A/C.1/L.76)		Incorporated in the record of the 667th meeting of the First Committee, para. 8
A/C.1/L.83	France, United Kingdom of Great Britain and Northern Ireland and United States of America: amendment to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)	7	
A/C.1/L.84	France, United Kingdom of Great Britain and Northern Ireland and United States of America: amendment to the revised draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/L.72/Rev.1)		Incorporated in the record of the 668th meeting of the First Committee, para. 6
A/C.1/L.85	India: amendments to the revised amendments submitted by the USSR (A/C.1/L.75/Rev.2)	8	
A/C.1/L.86	India: draft resolution	8	
A/C.1/L.87	Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: amendment to the revised amendments submitted by the USSR (A/C.1/L.75/Rev.2)	8	
A/C.1/L.88	Draft resolution adopted by the First Committee at its 669th meeting on 18 November 1953		A/2562, para. 20
A/C.2/L.204	United States of America: draft resolution		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 26
A/L.167	Union of Soviet Socialist Republics: amendment to the draft resolution submitted by the First Committee (A/2562)		Same text as A/C.1/L.75/Rev.3
A/RESOLUTION/160	Resolution adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 715 (VIII)
DC/10	France, the United Kingdom of Great Britain and Northern Ireland and the United States of America: working paper setting forth proposals for fixing numerical limitation of all armed forces		Official Records of the Disarmament Commission, Supplement for April, May and June 1952
DC/12	France, the United Kingdom of Great Britain and Northern Ireland and the United States of America: supplement to the working paper setting forth proposals for fixing numerical limitation of all armed forces (DC/10)		Ibid., Supplement for July, August and September 1952
DC/20	Second Report of the Disarmament Commission		Ibid., Special Supplement No. 1
DC/32	Third report of the Disarmament Commission		Ibid., Supplement for July, August and September 1953
DC/C.1/1	United States of America: proposal concerning essential principles for a disarmament programme		Ibid., Supplement for April, May and June 1952

**GENERAL
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HEADQUARTERS, NEW YORK, 1953

Agenda Item 24: Question of impartial investigation of charges of use by United Nations forces of bacterial warfare**CONTENTS**

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DOCUMENT A/2426**Report of the President of the General Assembly**

[Original text: English]
[28 July 1953]

In accordance with its terms, resolution 706 (VII) of 23 April 1953 on the "Question of impartial investigation of charges of use by United Nations forces of bacterial warfare" was duly communicated to the Governments of the United States of America, of the People's Democratic Republic of Korea, of the People's Republic of China, of the Republic of Korea, and of Japan, with the request that they indicate their acceptance of the investigation proposed in the resolution. The commission of investigation which was to be set up upon acceptance of the investigation by all the governments and authorities concerned has not been established as, to date, only the following three replies have been received :

1. The representative of the United States of America to the United Nations, in a note dated 1 May 1953, replied as follows :

"The representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to note SCA/459/6/01 dated 24 April 1953, has the honor to inform the Secretary-General that the United States of America accepts the investigation proposed in the resolution adopted by the General Assembly under item 73 of its agenda, entitled 'Question of impartial investigation of charges of use by United Nations forces of bacterial warfare'.

"In accordance with paragraph 2 of the resolution, the United States of America, in its capacity as the Unified Command, after the Commission is set up will issue instructions to the United Nations Command to accord to the Commission for the performance of its task the various appropriate facilities within the competence of the United Nations Command. The United States of America will issue similar instructions to the Commander in Chief, United States Forces in the Far East".

2. The Minister for Foreign Affairs of the Republic of Korea, in a cablegram dated 13 May 1953, replied as follows :

"I have the honour to acknowledge receipt of your radiogram dated 27 April regarding a resolution entitled 'Question of impartial investigation of charges of use by United Nations forces of bacterial warfare', adopted by the General Assembly of the United Nations at its 428th plenary meeting on 23 April 1953.

"I also have the honour to inform you that the Government of the Republic of Korea willingly accepts the investigation proposed in the resolution and will co-operate in regard to the provisions of paragraph 2 of the resolution".

3. The Minister for Foreign Affairs of Japan, in a cablegram dated 18 May 1953, replied as follows :

"Have the honour to acknowledge the receipt of your Excellency's telegram transmitting the text of the resolution entitled 'Question of impartial investigation of charges of use by United Nations forces of bacterial warfare', with the request that the Japanese Government indicate its acceptance of the investigation proposed in the resolution. To co-operate with the United Nations, the Japanese Government is prepared to render

every practicable assistance to the Commission contemplated in the said resolution in its free travel throughout such areas of Japan as it may deem necessary in the performance of its task, its free access to such persons, places and relevant documents as it considers necessary for the fulfilment of its task and its examination of any witness".

DOCUMENT A/C.1/L.66

Letter dated 26 October 1953 from the representative of the United States of America addressed to the Secretary-General transmitting copies of sworn statements of members of the United States Armed Forces

[Original text: English]

[26 October 1953]

New York, 26 October 1953

Referring to agenda item 24 of the eighth regular session of the General Assembly entitled "Question of impartial investigation of charges of use by United Nations forces of bacterial warfare," I have the honour to enclose copies of ten documents,¹ as follows:

(1) Photostatic copies of sworn statements of Colonel Frank H. Schwable and Major Roy H. Bley, officers of the United States Marine Corps, written and signed following their release as prisoners of war of the North Korean and Chinese Communists. In connection with these affidavits, reference is made to document A/C.1/L.28² containing the purported statements of Colonel Schwable and Major Bley on the alleged waging of bacterial warfare in Korea, submitted to the United Nations by the delegation of the Union of Soviet Socialist Republics on March 5, 1953.

(2) Photostatic copies of sworn statements of First Lieutenant John S. Quinn, First Lieutenant Paul R. Kniss, First Lieutenant Floyd B. O'Neal and First Lieutenant Kenneth Enoch, officers of the United States Air Force, written and signed following their release as prisoners of war of the North Korean and Chinese Communists. In connection with these affidavits, reference is made to document S/2802 dated October 8, 1952, described as a "Report of the International Scientific Commission for the investigation of the facts concerning bacterial warfare in Korea and China," submitted to the United Nations by the delegation of the Union of Soviet Socialist Republics on October 1, 1952. One of the annexes to this report contains purported statements by Lieutenants Quinn, Kniss, O'Neal and Enoch relating to the alleged waging of bacterial warfare in Korea.

(3) Photostatic copies of sworn statements of Colonel Andrew J. Evans, Jr. and Colonel Walker M. Mahurin, and typewritten copies of sworn statements of First Lieutenant Francis A. Strieby and First Lieutenant James L. Stanley, officers of the United States Air Force, written and signed following their release as prisoners of war of the North Korean and Chinese Communists, concerning the efforts of the North Korean and Chinese Communists to secure confessions from them that they had waged bacterial warfare.

It is requested that copies of this note and the enclosed sworn statements be issued as a document of the General Assembly in connection with the above-mentioned agenda

item 24 and that it be circulated to the delegations of all States Members of the United Nations.

These documents depict, in my view, a record of unparalleled and diabolical mendacity by the Chinese Communists against the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

Henry Cabot LODGE, Jr.

1. SWORN STATEMENT OF COLONEL FRANK H. SCHWABLE

UNITED STATES MARINE CORPS
Headquarters, Department of the Pacific
100 Harrison Street
San Francisco 6, California

25 September 1953

Statement of Colonel Frank H. Schwable,
04429, U. S. Marine Corps

I have read and understand Article 31, Uniform Code of Military Justice. I make the following statement of my own free will, voluntarily, and without coercion, unlawful influence or unlawful inducement on the part of any person, and with full knowledge that this statement or any portion thereof may be used as evidence against me in a trial by court-martial.

On July 8, 1952 I was shot down by the Chinese Communists about 15 miles northeast of the Hwachon reservoir while on a flight along the entire length of the United Nations front line positions in Korea. From that date until 6 September 1953, when I was repatriated, I was held a prisoner of war by the Chinese Communists, being kept in solitary confinement the entire time except for very short periods when moving from camp to camp. About two months after my capture, it became evident that I was to be used for propaganda purposes and that the Chinese Communists were determined to extract a bogus "confession" from me claiming that United Nations forces in Korea were using bacteriological agents. As time went on it became evident also that the Chinese Communists were almost frantic to obtain this "confession" and that they would stop at nothing to secure it; it was equally apparent that they had already established a general line of propaganda and a schedule of bogus operations to which my "confession" must conform in order that it could be used to corroborate false testimony previously extracted from other POWs. This applied particularly to timing, location of targets, and the sequence in which major operating units were supposed to have entered the program. Since I was one of the most senior officers captured to date I was expected to

¹ The original photostatic copies of the sworn statements are available for consultation in the archives of the United Nations Secretariat.

² See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 73.

be cognizant of the broader aspects of this false program, to know how the directives were issued and passed down to operating units and to be well acquainted with not only supposed participation of my own unit, the First Marine Aircraft Wing, but also as to what extent Navy and Air Force units were also committed. In spite of my very short tour of duty with the United Nations Forces in Korea before being shot down, I was supposed to be well informed about operations not only in Korea, but those claimed by the Chinese Communists as being conducted in China also.

I realized that because of my rank, the Chinese Communists were prepared to make an issue of this matter since lies that they could extract from me would be quoted as coming from "high authority", and that they would continue indefinitely to be absolutely adamant in their demands upon me. I was convinced that they had already forced false statements from several other POWs. I did not doubt for one moment that had they been totally unsuccessful in extracting fraudulent "confessions" from any and all prisoners, they would have produced at least written statements of their own affixing forged signatures of POWs whom they had destroyed—they took several samples of my signature shortly before the bacteriological warfare interrogation began. The germ warfare problem, with its appeal to the masses of people, was a prize propaganda issue too valuable to the Communists to give up under any circumstances. After applying all manner of means to break me down mentally, morally and physically, to confuse me, and to convince me that there was no alternative in the matter, I succumbed to their demands verbally the end of November, 1952, and from then until near the end of February, 1953, I was involved in many, many rewrites of the fraudulent information submitted, making wire recordings and being photographed both in motion pictures and stills while reading this false "confession", all under protest. In making my most difficult decision to seek the "only way out", my primary consideration was that I would be of greater value to my country in exposing this hideous means of slanderous propaganda than I would be by sacrificing my life through non-submission or remaining a prisoner of the Chinese Communists for life, a matter over which they left me no doubt.

The so-called "confession" extracted from me was in fact a combination of many, many papers submitted. Hardly had my first brief report been submitted than I was directed to re-do it on a broader basis yet with more specific details in certain areas and to make certain modifications to conform with their own imaginary schedules. I was roused up from my sleep one night, marched half a mile or so through the snow and stood half dazed at attention for what seemed like forever in front of a tribunal headed by the Executive Officer of the Pick Up camp where I was hidden at the time. After yelling at me that I was a war criminal, that I had participated in the most inhuman kind of warfare and so forth, the Executive Officer told me my report was no good, that I must go back to my hovel, think clearly and then come up with the right time and place of alleged operations. With this, he grabbed his hat and went childishly screaming out of the room while the interpreter tried to translate his last fanatical ravings. Strangely enough when I dreamed up a new date and location of operations, conveniently arranged so that I could easily remember my own lies, I found that I had stumbled upon a satisfactory date and place. With each rewrite of my statement, I was required to include more specific information with respect particularly to the names of higher echelon officers involved in my story and to make direct quotes at all levels. It was here that I was reminded of previous generalized interrogation matter, such as the chain of command from the Joint Chiefs of Staff to the 5th Air Force via the Commander-in-Chief

Far East and the Commanding General Far Eastern Air Forces, with the names of those officers—all of which was public knowledge. I was then told that since reputed germ warfare was of such extreme strategic and tactical importance that the directive for its use must have followed this chain of command and that the officers named must have handled the directive and hence it was mandatory for me to state this as a so-called fact in my bogus "confession". There were many such incidences where I was told, in general terms, that I must include certain material in my statement if I were to finally clear the problem.

Towards the end of December, my last several papers appeared to satisfy my interrogating officer and his immediate superiors and a lull ensued until the latter part of January, 1953 while my statements were being cleared by what they called "higher authority". When the papers had been cleared, I was given a typewritten statement which was essentially extracts from my own work but rearranged, modified in some instances and omitting some important elements. My efforts to include especially the type of bomb I claimed that was used were of no avail and it was eliminated, over my very strong protest. I was now required to transcribe their typewritten statement into a so-called "confession" in my own handwriting on smooth, heavy, legal type paper and to initial each page and all corrections. It was only after I had completed this phase that I was told that I must make a wire recording and later yet that I must be photographed while reading the statement. At each step in the entire process, the Chinese lied to me, always saying that "this is the last step", upon completion of which they invariably found just one more step to take in order to clear the problem—it was explained to me with a perfectly straight face each time that I had misunderstood them. My case was closed, as they expressed it, about the third week in February and I was then permitted to write my first letter home.

In obtaining this false "confession" from me, I believe the Chinese Communists followed a definite pre-planned pattern to break me down and to condition me for this farce. Until early September, two months after capture, the subject had hardly been mentioned. I was asked once near the front lines what I thought of germ warfare and I laughed at them saying the whole idea was ridiculous. Several times in late August, one of the two Chinese Air Force officers working on me simultaneously asked me about bacteriological warfare but he did not press the point. Early in September I was moved from the tent in which I had lived for some three weeks into a little stick and mud lean-to on the outside of a Korean house that was located at the head of a very remote little valley in the North Korean wilderness—a place where one could readily be dispensed with and the world would be none the wiser. Here, as I squatted cross-legged on the floor of my 3 by 7-foot hovel for weeks and weeks as fall passed into early but cold winter, I was told that I had only one more problem to clear before I was turned over to a main camp where suitable facilities were available to provide against the rigors of a North Korean winter, where I would be with other POWs, and where all living conditions would be greatly improved. I was told that the last remaining subject was the most important of all, that it had not been mentioned previously because they wanted me to know the Chinese Communists better before broaching the subject, and then they let me guess for a week or so as to what the subject was. Having come to understand the tremendous value the Chinese Communists place upon propaganda and having recently been queried by the Chinese Air Force officers on germ warfare, I was finally able to discover what the important question was. From then until this matter was completed, no other subject was mentioned. While I did not realize it at the time,

I have since come to realize that the Chinese Communist pattern of perversion applied to me fell into four distinct steps, some of which were overlapping or continuous in nature. The steps consisted of degrading and humiliating me; exhausting me physically and mentally and conditioning me to creative or false writing; intimidating and threatening me, and finally trying to contaminate my mind with vile slanders against my country, giving me false hopes or promises and trying to instil in me a sense of war guilt that could be eradicated only by "confessing". The accumulative effect of this pattern of perversion and of the many, many incidental phases or incidents making up each step was to confuse me, to dull and stupefy my mind, to give me a false sense of values and to make me feel the desperation of utter futility. This, together with unbroken solitary confinement, I consider mental cruelty! It is a cruelty that is hard for anyone to understand that has not undergone the misfortune of being subjected to it. I realize that the standards of living of both the Chinese and Koreans are far inferior to ours and that war time conditions impose even greater limitations in areas behind front line positions, and that therefore some elements of my treatment might be considered normal by the Chinese but not by me; but had they not intended to make me as miserable as possible they could easily have moved me to the rear areas along the Yalu, as they did after I broke down, where facilities were a little improved.

During this preparatory period, I wallowed in dirt and filth; I was purposely kept unshaven and denied haircuts to the point that I was as filthy as a tramp; I had been kept in little hovels on the ground, in tiny Korean rooms, dark, mildewy, leaky tents and now in this cold, open lean-to. I was under the constant surveillance of a guard who was never more than perhaps ten yards away and who, at night, would awaken me at least hourly by shining his flashlight in my eyes until I woke up. What food there was was slopped at me with a growl, the guards barked at me whenever I made more than an insignificant movement with few exceptions, I was humiliated by conforming to the custom of attending the calls of nature in the open in front of women and young girls. I could lie down only when told and was kept just sitting and sitting for weeks on end, the result of which was that my back became strained to the point where it was impossible for me to sit still more than fifteen minutes at a time. This became physical torture to me, and it was continuous. During the "exhaustion phase", I was made to write continuously over a period of about three weeks from early morning until dark, always against a deadline, under the pressure of two interrogators working simultaneously on me, writing largely on matters of military insignificant nature, such as our system of decorations and medals, or on out-of-date material that they knew I could not remember with any accuracy, had I tried, such as describing in detail my flight instruction which I had taken twenty-one years before. I believe they were merely trying to wear me out completely—which they did—and to break down my natural repugnance to lie since the only way I could satisfy most of their demands was to create, in my mind, answers to their questions. Under the strain of this constant pressure and close confinement where even my attempts to take calisthenics in the morning were repulsed by most guards, I deteriorated physically and became dull of mind. When the concentrated writing ceased, I was then given the political treatment wherein I read much slanderous material and every attempt was made to make me disloyal to my country. I was continuously given false hopes about being removed from solitary confinement, warmer living conditions, release to exchange letters with my family and so forth, all of which proved to be false or which were fulfilled only partially at most—my family

never received a single letter from me and I received mail only for a short period of time. Continuous efforts were made to make me believe that the south Koreans, backed by the United States, had started the war, that the United States was solely responsible for delaying the peace talks and that the type of warfare conducted by United States forces was inhumane. All of the foregoing was tied in periodically with the fact that my only salvation was to confess to germ warfare and hence to hasten peace.

While I was never directly threatened with bodily violence, there were three unmistakable threats constantly applied to me. Often I was reminded that there had been serious riots at Koje Island and, according to the Chinese Communists, excessive terror and brutality had been applied. I was then also reminded that my own captors followed a lenient policy towards POWs, as long as the latter cooperated. That threat needed no elaboration! There was the second threat, that of a Korean winter in that little stick and mud lean-to. Some knuckles on my right hand had already become frost-bitten, the ink on my pen would freeze after every several words written and I was unable to take exercise to try to stimulate my circulation for warmth, yet I had been told that I would not be shifted to a more protected main camp area unless I cleared this problem. I was convinced that at my age and condition I would freeze to death in that exposed little hovel during the winter at that camp. The final threat was direct, forceful, and unmistakable. The Colonel commanding the Pick Up camp informed me at a formal hearing before his tribunal that, "Unless you clear this problem, you will never leave this valley—not even after the peace is signed." That statement in modified form was repeated over and over to me, and was further elaborated upon to the extent that I was considered a war criminal for my alleged connection with germ warfare and that I would not therefore be treated as an ordinary POW under the Geneva Conventions and would not be repatriated unless I confessed. I had absolutely no doubt whatsoever that the Chinese Communists had every intention of carrying this threat to its natural conclusion and I am still convinced of this fact. I am positive in my own mind that had I not capitulated to them, I would today still be either a prisoner of war or else in my grave!

As to humane treatment in accordance with the provisions of the Geneva Conventions, I was given shelter, inadequate as it was, at all times; I was never starved although the food was miserably skimpy at times and many times I went without water; I was given heavy winter clothing, quilts and a blanket but exposed as I was and restricted from exercising during the critical period of my interrogation period, I was bitterly cold and partially frostbitten; I was unable to obtain dental treatment for a broken tooth or medical treatment for my back of which I complained long after my problem had been cleared. I don't know what the Geneva Conventions say about mental cruelty nor whether having to sit as I did for so long in confined spaces in continuous solitary confinement is physical cruelty but I, having undergone both, consider that I was subjected to extreme torment in order to force a false confession from me.

Since I had only been on duty in Korea a comparatively short time before being shot down but, more important, since I was assigned duty as the Chief of Staff of the First Marine Aircraft Wing, I flew no missions that could in any conceivable way be construed as being germ bomb raids. As a matter of interest, the Chinese Communists did accept this one fact and charged me not with participating directly in the delivery of bombs on the target but rather with planning such operations and conducting normal staff functions in connection with bacteriological warfare.

When the Chinese Communists first broached me on the subject of germ warfare in Korea and China, I could not believe they were serious since I was certain that I would have had some inkling of it had any United States forces actually employed this means of warfare. I had never heard of its use in Korea or China or elsewhere other than through Chinese propaganda, nor had I ever heard of a proposal for its use; it was utterly incredible to me that the Chinese Communists could be truly serious about this fantastic propaganda program that they were evidently preparing and when they insisted beyond all reason, logic and just plain common sense that germ warfare was being used by my own unit, then I was convinced that everything they said on the subject was an utter lie, that they didn't believe it themselves, but that they were going to carry out orders from higher authority to extract a false statement from me one way or another. And upon this false, fraudulent, and in places absurd confession, I stand formally convicted by the Korean Democratic People's Republic as a war criminal, being notified of this fact at a solemn ceremony conducted before four Chinese and one Korean officer on 3 September 1953, just prior to my departure from the Yalu river area for Panmunjom and freedom.

(Signed) Frank H. SCHWABLE
Colonel (04429), U. S. Marine Corps

The foregoing statement, consisting of 10 typewritten pages, including this page, was subscribed and sworn to before me this 25th day of September, 1953.

(Signed) A. T. MASON
Colonel, U. S. Marine Corps
Chief of Staff

2. SWORN STATEMENT OF MAJOR ROY H. BLEY

UNITED STATES MARINE CORPS
Headquarters, Department of the Pacific
100 Harrison Street
San Francisco 6, California

25 September 1953

Statement of Major Roy H. Bley, 010450,
U. S. Marine Corps

I have read and understand Article 31, Uniform Code of Military Justice. I make the following statement of my own free will, voluntarily, and without coercion, unlawful influence or unlawful inducement on the part of any person, and with full knowledge that this statement or any portion thereof may be used as evidence against me in a trial by court-martial.

STATEMENT REGARDING BIOLOGICAL WARFARE

During the month of May 1952, I was transferred to the First Marine Aircraft Wing operating in Korea. Upon arrival at the First Marine Aircraft Wing Headquarters, I was assigned to the Wing Staff as the Wing Ordnance Officer. It was my job to requisition, distribute and coordinate all deliveries of aviation ammunition, aviation ordnance materials and spare parts required by units operating within the First Marine Aircraft Wing and to advise and aid the Commanding General and his staff on any matter pertaining to Aviation Ordnance.

On July 8, 1952, while on a routine non-combat mission with Colonel Frank H. Schwable, we inadvertently flew behind the enemy lines and were shot down and captured by the Chinese.

During a convalescence period in a Chinese hospital in North Korea, due to several wounds I received when I was shot down, a Chinese officer began what appeared

to be routine interrogation that covered several military subjects but chiefly about aviation armament.

Around the 1st of September, 1952, my interrogator informed me that I was about through with all interrogation and that I would soon be taken to a main prisoner of war camp. But, the next day, a Chinese officer whom I had not seen before approached me and started a "softening-up" procedure with an attempt to establish friendly relations by discussing general subjects of interest to any American such as politics, economics, sports and living conditions in the United States.

I was kept in solitary confinement in a small cell in a Korean mud hovel but during the periods of the friendly approach my interrogator would take me for a walk and endeavored to impress me with their so-called "lenient treatment policy" towards POWs. After three or four days of this routine, he gave me the same story about my interrogation period being almost completed and that I would soon be at a main POW camp, where I could be together with other American prisoners, have books to read, write and receive letters from home, etc. My interrogator asked me if I had any worries of any kind and further stated that I should clear my conscience completely before leaving the interrogation center. When I told him that my conscience was already clear, he said "Bley, you have only one more question to answer, one that you know all about and when you tell us we will be friends and you will be cleared from any further interrogation—now, tell me what you know about germ warfare, tell me about the part you played in it and how you were forced to participate in its use."

At first, I was shocked. I knew biological warfare had not been used by our forces in South Korea. As Wing Ordnance Officer, I knew every weapon used by the Marine Air Wing and mostly all used by the Air Force and not once did I hear of any biological weapon while I was in South Korea. In fact, the only time I had ever heard of such type of warfare was when the Chinese had first made the accusation that we were using it. That was in the winter of 1951-52 when I read an account of the charge in a West Coast newspaper (*Los Angeles Times*, I believe).

I told my interrogator that the charge was false and absolutely ridiculous. He told me about their "concrete" proof that biological warfare was employed by the U. S. Forces—many pilots had already confessed and he, the interrogator, had actually seen one of the First Marine Air Wing's aircraft spraying insects over an inhabited area in North Korea—insects infested with deadly diseases such as plague, malaria and yellow fever, etc.

For about a week, the same interrogator came to my cell daily with the same line of propaganda and would ask me "suggestive" questions about germ warfare. He would phrase the questions in a manner that would be at the same time giving me information that I could use in making up a false statement.

When, after about a week of this procedure, I refused to cooperate with him, he bluntly stated that it would be useless for me to continue denying germ warfare and sooner or later I would have to make a confession. When he left the cell one day, he ordered me to sit at attention with my legs crossed and told me I was to sit that way every day until he came back and then gave instructions to the armed guard to stand at the door at all times to see that I obeyed his orders.

After several days, he returned and when I still refused to admit to germ warfare, I was taken to a cave that was filthy. Water seeped up through the dirt floor on which I was required to sit again at attention and at night was "permitted" to sleep—if I wanted to lie in the mud. The cave was infested with rats and several species of vermin. I was not allowed to leave the cave except to urinate and then only during daylight hours.

Around the 10th of October, I was taken out of the cave and returned to a mud hut cell where the interrogator renewed his attempts to make me confess to germ warfare. When I again refused he ordered me to stand at attention for periods of six to seven hours a day. This continued for about two weeks, and when I still refused to "cooperate", I was taken to a cell some four feet wide, six feet in length and with a ceiling about four feet high. This cell had been specially constructed for POWs who would not cooperate with the Chinese interrogators. For several hours each day I was required to stand in a hunched-down position in this low ceiling cell with the Chinese guard standing at the door with a rifle and bayonet in the small of my back.

Every few days the interrogator came around and asked me if I had any problems I would like to discuss with him or if I would like to clear my conscience of the crime I had participated in—germ warfare. When I replied in the negative, he would tell me in great detail how nice it was in the main POW camps and how soon I would be there after I made my confession.

On 15 November 1952, I was moved from the interrogation center in the central part of North Korea to Pyoktong. There I was put in a cell infested with rats, fed less than I had been before (my diet was reduced to one cup of rice; one cup of cabbage or turnips, and one cup of water twice daily). When I was thrown in this cell, the Chinese POW official told me I was to be given a lengthy "thinking period". It was for five weeks and I saw no one except my guard who was stationed continually at my door, and the Chinese soldier who served my food and water.

Sometime in the latter part of December, the same interrogator approached me again with the same question and I gave him the same answer. The next day, they assigned a new interrogator who came in my cell, walked up to me and without warning struck me in the face with his closed fist, knocking me across the room. When I got up, I started toward him but the guard shoved me back with the butt of his rifle, took some rope and tied my hands behind me and ordered me to kneel in the corner.

For about ten days, the interrogator assisted by the guard worked me over daily, sometimes hitting me in the face when I was unable to defend myself. At the end of each "treatment" period, he would ask me if I was ready to cooperate with them.

Early in January, 1953, I was moved again, this time to the outskirts of Pyoktong where I was placed in another mud hut which had no heat at all either night or day. With the light POW uniform I had on, I was unable to keep warm at any time. I was required to stand at attention almost every day and was not permitted to lie down at night. Anyway, it was necessary for me to keep moving around in the cell or I would have frozen as the temperature was then several degrees below zero.

I believe this treatment lasted for six or seven days, I'm not sure. Half frozen and without sleep for many nights, I was worn out both physically and mentally.

One night around midnight, my interrogator and guard escorted me to the POW camp commander's office where, through an interpreter, I was told they had concrete evidence that I had participated in germ warfare, showed me the second time a part of another POWs confession on germ warfare (which I believed was a fake) and then given a written forty-eight hour ultimatum. It was written in English, signed by some Chinese general. It stated in effect that after the forty-eight hour period if I had not told them what I knew about germ warfare and the part I played in it, I would be made a war criminal. I would be shipped to China, given a trial, the charge

"participating in germ warfare against the Chinese Volunteers and Peoples of Democratic Republic of North Korea"

However, it further stated that if I made a full confession I would be treated as a regular POW and be repatriated after the end of the war.

I was taken back to my cell, not fed at all for the forty-eight hour period and again required to remain awake at night.

The interrogator came again at the end of the ultimatum period and I told him I would go along with the lie. He had all the information he wanted me to write about and within a few hours I had it all rewritten and signed. I believe the date of my deposition was 25 January 1953. However, it was rewritten several times to get it exactly as they wanted it, sometimes removing sentences and paragraphs and sometimes adding some. They had great difficulty in deciding just what they wanted me to say and how I was to write it. I was in no condition either physically or mentally to resist or even argue with them.

After the Chinese had edited my false statement, I was required to write it out once again on smooth paper and record it on a tape recording machine. This was sometime around the last of February 1953. The next day, I was given a new winter uniform and was marched by my guard to a movie studio in Pyoktong. There I was required to read before the movie and still cameras an abridgement that the Chinese had made up from my false statement.

Then, a few days later, I was ordered to read to a tape recorder an open letter to my wife telling her about the "lenient treatment policy" of my captors, my participation in germ warfare and about all the good food I was eating! The letter was written by one of the Chinese interrogators and I believed the record was made for transmission by Radio Peking.

From the date of my capture, July 8, 1952, until sometime in May 1953, I was kept in solitary confinement. At no time was I permitted to talk or even see any other prisoners of war. Up until March 1953, I was permitted to take only one bath.

In March 1953, I was afflicted with an extremely painful nervous condition originating at the base of my spine and extending down to my feet. My captors took me daily to the Pyoktong POW hospital for diagnosis and treatment. If they diagnosed the cause, they gave me nothing to cure it. For a period of about one week I was unable to walk as my feet and legs were swollen and partially paralyzed. At this date, September 1953, similar attacks reoccur although with less severity and of short duration.

On September 3, 1953, just before leaving the POW camp area for return to South Korea, I was called before a military tribunal headed by a North Korean General. Through an interpreter, he pronounced that due to North Korean and Chinese "lenient treatment policy" toward POWs, I was given a pardon even though I was a war criminal having participated in the atrocity of germ warfare against the people of North Korea and the Chinese Volunteers.

In conclusion, I would like to reiterate that at no time during my tour with the First Marine Aircraft Wing in South Korea did I see or hear of any munition that was or could be used in biological warfare. I flew no combat missions while with the First Marine Aircraft Wing, but I frequently inspected, inventoried and supervised handling all the types of aviation ammunition stored and used by all operating units within the Wing. From that experience, I know biological warfare was not used by our forces in Korea.

(Signed) Roy H. BLEY
Major (010450), U. S. Marine Corps

The foregoing statement, consisting of seven typewritten pages, including this page, was subscribed and sworn to before me this 25th day of September, 1953.

(Signed) A. T. MASON
Colonel, U. S. Marine Corps
Chief of Staff

3. SWORN STATEMENT OF LIEUTENANT JOHN S. QUINN

I am aware of my rights under Article 31, United States Unified Code of Military Justice, and wish to make the following voluntary statement concerning my experiences as a prisoner of war of the North Korean and Chinese communist governments in North Korea.

I did not, in the true sense of the word, ever "confess" to anything related to germ warfare. How could I, when I don't know, or never did know, anything about how such a thing can be done? It would be true to say, and thank God I'm back again where I can speak truly, that I was coerced by diabolical mental torture, which it would take a poet like Poe to justly describe, into writing communist propaganda. My wife was pregnant and I had real cause to fear for her life if she didn't hear I was alive. The threat of death was really the least fearful thing that hung over me. I was physically weak from malnutrition and loss of sleep. Three interrogators were assigned to me, as they said themselves, for the sole purpose of "getting my confession". The safety of my wife and children, one yet unborn, were threatened, and that, in my mental condition, assumed gigantic proportions.

Much of what the Communists call my "confession" was dictated to me. Much I added myself, much which seemed to me fantastic beyond belief, in the hope that it would get out and make this "germ warfare", "Hate America", campaign of theirs obviously ridiculous to any thinking person. For instance dropping bombs from a loaded B-26 at 110 miles per hour—a loaded B-26 cannot fly at that speed. I could give many more such examples. I do not know how much of this confession was put out for public consumption.

In my twenty months with the Chinese soldiers and political fanatics, I can remember no period during which I was treated in accordance with the Geneva protocol for treatment of POW's. For an extended period, shortly after capture, I was thrown with a Lieutenant Maultsby into an icy cave in inadequate clothing. After two days there, I was sure their idea was to kill us by degrees. Our feet began to freeze. I couldn't grab my own zipper tight enough, because of the cold, to work it. The water was so filthy we feared to drink it and did not during the entire period of almost two weeks. Our food was a little rice and seaweed twice a day, served in a filthy, rusty tin can. We could not stand up in the cave as the ceiling was too low. We couldn't sleep for the cold and made up little forms of exercise which we could take continuously to keep warm. I did not see then how a person could go through this treatment alone, and what Chuck Maultsby and I have shared together has made us lifelong friends.

Later I was put alone and kept that way for over eight months, living with an interrogator, the only man I have ever learned to hate, and I hate him with a passion that borders on insanity. He constantly harangued me with stock questions on what I was thinking, what were my feelings, what was communism, etc., etc. I can't write sensibly about what they do to a person when he can't fight back, because my emotions are too wrapped up in it. I can't forget it. I don't wish to forget it. I want always to remember it, and remember it, and remember it. I hope others who might have been confused by the things I was forced to write, say, and do may get some vague feeling for what I—and others—have been through.

All news of the outside world was kept from me for

the entire twenty months. Never did I get to read, nor did I ever form an accurate picture of what the germ warfare propaganda campaign consisted of, other than my part in it, nor of its effects. We were given only the periodicals from the communist countries and sometimes the *Daily Worker* or *People's World*, several months old.

It appears now that I have been a pretty big part of a scheme to put blinders on all men, to channel their thinking, and bring the best in human emotions and hopes into support of these channelled thoughts. The result is living dead men, controlled human robots, which willingly, as long as they are under the spell, do their master's bidding. Now, because I am able again to speak freely, because I feel I owe it to those whom my statements may have confused, and because I feel my experiences have made me particularly qualified, I would like to help take off these blinders, to shatter the walls of these channels, to let in some fresh air and sunshine, and help them re-learn the exaltation of personal freedoms once again.

(Signed) John S. QUINN
17993A, 1st Lt, USAF

Sworn to and subscribed before me this 23d day of September 1953 at Parks Air Force Base, California.

(Signed) Clifford A. SHELDON
Colonel, USAF
Staff Judge Advocate

4. SWORN STATEMENT OF LIEUTENANT PAUL R. KNISS

I am aware of my rights under Article 31, United States Unified Code of Military Justice, and wish to make the following voluntary statement concerning my experience as a prisoner of war of the North Korean and Chinese communist governments in North Korea.

As a result of threats, torture, starvation, brutality and barbaric treatment given me by my communist captors, I was coerced into taking part in the "Hate America" campaign. As part of this campaign, the Communists tried to bring discredit upon the United States fighting forces in Korea by alleging they were waging bacteriological warfare. Part of this so-called evidence used in this charge was a forced "confession" which I submitted after severe mental and physical torture including repeated threats of death. I now deny the forced confession I made. At no time prior to my being captured was I lectured on bacteriological warfare or led to believe that the United States Forces were using bacteriological warfare. I have never flown any bacteriological warfare missions, nor have I flown any missions that could conceivably be classed as bacteriological warfare missions.

Everything I was forced to "confess" to in the communist hands was an out and out lie. These statements would have never been signed by me if I had not been subjected to severe mental and physical torture.

I made interviews, movies and recordings of my "confession", doing so only under threat of death. The humane treatment I was supposed to receive was entirely absent. The treatment I received was of the fascist order with no attention paid to my request for treatment as specified under the Geneva Convention of 1925.

My so-called "confession" was partially dictated to me by my captors, and the rest I fabricated by myself. The contents of this "confession" are ridiculous and the dates of missions flown, of lectures received, are all fictitious.

I was interrogated by the Communists for periods lasting up to twenty hours, during which time I was made to sit at attention flat on the floor with no back rest. I was denied medical attention for 48 hours at one time while I was suffering from diarrhoea, and only received it from them as they thought I was dying.

I was threatened with death many times and I was to be shot as an enemy agent due to lack of identification, which the Communists had previously taken from me. The Communists violated every one of the Geneva regulations.

I have never heard from any source, other than the Communists, that the United States Forces or the United Nations Command was waging bacteriological warfare in Korea.

Everything I was forced to say was done in the effort to smear the reputation of the United Nations in the eyes of the world. The charges of the Communists contained in the so-called "confessions" are fantastic and any thinking person would recognize this immediately.

(Signed) Paul R. KNISS
A01909070, 1st Lt. USAF

Subscribed and sworn to before me this 23d day of September 1953 at Parks Air Force Base, California.

(Signed) Clifford A. SHELDON
Colonel, USAF
Staff Judge Advocate

5. SWORN STATEMENT OF LIEUTENANT FLOYD B. O'NEAL

I am aware of my rights under Article 31, United States Unified Code of Military Justice, and wish to make the following voluntary statement concerning my experiences as a prisoner of war of the North Korean and Chinese communist governments in North Korea.

Due to coercion, taking the form of physical torture, very poor food, continuous threats of death, and other dastardly methods of breaking my will power, the Chinese Communists did force me to sign a "confession" to bacteriological germ warfare. This so-called "confession" was signed only after the Chinese Communists had given me an ultimatum of 48 hours in which to "confess" to germ warfare or be tried and executed as a war criminal. This "confession" was utterly false and I wish now to deny the statements contained in the forced "confession".

At no time prior to being sent to Korea to fight was I lectured on bacteriological warfare or was I led to believe from any training or briefing I received that the United States of America forces were waging bacteriological warfare in North Korea, China, or any other area. I have never flown any bacteriological warfare missions nor have I flown any missions that could conceivably be classed as bacteriological warfare missions. Everything I "confessed" to in prisoner of war camps was an out and out lie. I signed their statements only under extreme duress including both physical and mental pressure. I signed my "confession" after the above-mentioned ultimatum when I had had time to consider all factors. I was convinced that the Communists would eventually obtain a confession of sorts from me by either driving me out of my mind, by continuous mental pressure, or else by forcing me to physical exhaustion.

The Chinese Communists accused me of being a war criminal in that they accused me of flying germ warfare missions over North Korea. They accused me of dropping bacteriological warfare bombs and spraying bacteria-infected insects. These charges were continually hurled in my face with threats that if I did not "confess" to these charges or admit having participated in germ warfare I would suffer the penalty of death for my "war crimes".

The Chinese Communists made motion pictures and radio broadcasts which have included the so-called "confession" signed by myself. These recordings and broadcasts were made under duress similar to that used to force me to sign the false "confession" on germ warfare. The statements made in these movies and recordings were

false and have no basis of fact. The statements made in these movies and recordings were statements which the Communists themselves made up for me to repeat.

The Chinese Communists also used the false "confession" obtained from me on germ warfare in an attempt to convince other UN Command prisoners of war of the big lie which they were trying to foist upon the world. The Chinese Communists used my "confession" as part of their "Hate America" campaign.

The methods used by the Communist interrogators to secure my so-called "confession" were of two kinds; one, physical torture of sorts, such as long hours of standing at attention; poor food, contaminated water to drink, then denial of medical attention after I became ill from polluted water; and two, mental pressure, long hours of interrogation and wrangling and haranguing, attempting to break down my will power, attempting in some manner to dull my mental facilities in order that they might more easily extract from me their desired statements. Threats were used in attempting to obtain my so-called "confession". These threats consisted of telling me that I would never return home if I did not sign the "confession" they wished me to sign. They continually stated that they would in the end get a confession from me in some manner. Then there was a constant and continuous threat of death as a result of war crime trials. I was kept in solitary confinement with absolutely no contacts. I was closely guarded and in all periods of time when I was being interrogated I was under an armed guard which was very strict and allowed no deviation in the orders given by the Chinese interrogators. I was not treated humanely and in accordance with the provisions of the Geneva Convention on treatment of prisoners of war. There were many direct violations of the Geneva Convention. When I at first brought up my rights under the Geneva Convention, the Chinese Communists threw these rights back into my teeth and told me they had their own policy of dealing with prisoners of war. They explained that they had a different policy for each prisoner. They called this their "lenient" policy. I was denied healthful food, I was deprived of medical attention, the Communists used extreme forms of intimidations; my physical comfort and mental well-being were far from adequately cared for. The mental well-being especially seemed to be a point of attack for them in that they seemed to be trying to constantly create in my mind a doubt as to the reliability of the true statements which I had made. When I saw that somehow they would obtain a confession by driving me out of my mind or to physical collapse, I signed the statements the Chinese Communists wanted. Again, these statements were utterly and completely false and have no basis of fact whatsoever.

I was forced to appear before the so-called "International Scientific Commission" and make statements to them on germ warfare. I was threatened beforehand with physical violence and other threats used in attaining my so-called "confession" if I did not appear before this "International Scientific Commission", give them the statements there that the Chinese Communists wanted me to give them. The statements which I made before this "International Scientific Commission" were hard-boiled lies. I had attempted to insert as many ridiculous and false facts as possible in the statements which I signed for my "confession". I repeated these ridiculous and false statements before the "International Scientific Commission" again because of duress. I have never participated in any type of bombing raids which could conceivably be classed as "germ raids" or "bacteriological raids".

I have never heard from any source other than my communist interrogators that the UN Command had par-

participated in bacteriological warfare raids over North Korea, China, or any other area for that matter. The broaching of the subject of bacteriological warfare to me by the Communists was a complete surprise. I denied any knowledge of germ warfare and denied any participation in germ warfare by the UN Command. However, under physical and mental duress I finally signed false "confessions" to germ warfare which were made up for me by the Chinese Communists.

(Signed) Floyd B. O'NEAL
A01848575, 1st Lt. USAF

Sworn to and subscribed before me this 23d day of September 1953 at Parks Air Force Base, California.

(Signed) Clifford A. SHELDON
Colonel, USAF
Staff Judge Advocate

6. SWORN STATEMENT OF LIEUTENANT KENNETH ENOCH

I am aware of my rights under Article 31, United States Unified Code of Military Justice, and wish to make the following voluntary statement concerning my experiences as a prisoner of war of the North Korean and Chinese communist governments in North Korea.

I wish to state firmly that these charges are wholly without grounds and the so-called confessions were obtained under extreme duress. I did not personally engage in bacteriological warfare, nor do I know of anyone else who has engaged in bacteriological warfare.

Before each movie, each wire recording, each interview with so-called investigators of this alleged crime, my so-called testimony was used as a pressure in order to force me to comply with their demands.

Everything I stated relative to offensive bacteriological warfare while in prisoner of war camp was an out and out lie. I would certainly never have signed their statements had I not been forced to do so under threat of prolonged torture, which so far as I knew meant only to death.

My statement was used in order to compel me to write "acceptable" articles, articles which they could use in their Smear America campaign. I wrote one little note to the Vienna Peoples' Conference for Peace in October 1952. Also, I was told to write articles for the prison camp newspaper, and I wrote two of these.

At the time I was captured I believed that I would be treated humanely under the stipulations of the Geneva Conference but I soon found out that the Chinese Communists had an utter disregard for human values and human rights. As I knew, many POWs had died due to Communist maltreatment, and I realized that they would stop at nothing to achieve their goals. However, I resisted their attempts for some time but I was finally brought around to the realization that my only alternative was to submit to their pressure, but in as limited a manner as possible.

We were treated good under some of the provisions of the Geneva Conference, but they had an out and out disregard of others, and of course many of these were flagrant violations. I was kept in solitary confinement for thirteen months. I was kept in two camps where they had no POW sign to protect us from air attacks. The diet during the winter was of very low nutritional value and caused much sickness. I had almost constant diarrhoea during my period of captivity. I had it about twenty times, for five or six days at a time. This made me very weak and nervous.

I did not participate in any type of bombing raids which could even remotely be classed as germ raids or bacteriological warfare raids.

I have not heard from any other source, other than the Chinese Communists, that the United Nations Command has employed weapons of bacteriological warfare.

(Signed) Kenneth ENOCH
A02069988, 1st Lt, USAF

Sworn to and subscribed before me this 23d day of September 1953 at Parks Air Force Base, California.

(Signed) Clifford A. SHELDON
Colonel, USAF
Staff Judge Advocate

7. SWORN STATEMENT OF COLONEL ANDREW J. EVANS, JR.

I, Andrew J. Evans, Jr., Colonel, United States Air Force, 4072A, having been advised of my rights under Article 31, Uniform Code of Military Justice, by Andrew A. Anderer, Special Agent, Office of Special Investigations, United States Air Force, make the following statement voluntarily without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding the matter covered in this statement, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would tend to incriminate me or degrade me.

I was captured on 26 March 1953 following a bailout over the front lines in Korea. My Chinese captors, after disarming me, indicated that I was among friends, that I would be well treated and that I would be taken to the rear immediately to join my fellow prisoners. I received this friendly, psychological buildup from the common Chinese soldiers and from a series of four English-speaking interrogators. However, instead of this treatment, within three days I was confined in a small mud room under heavy guard and remained confined under similar circumstances throughout my captivity until I was released on 3 September 1953.

My enslavement and treatment can best be described as that accorded a low type animal. The cubicles in which I was held had no windows and the door was always shut. Sunlight, fresh air and exercise were completely denied to me. I never saw another person except my guards and interrogators, nor was any news of the outside world given to me.

I was not permitted to recline, shut my eyes, or stand up, except when I was permitted to sleep for periods ranging from zero to never more than six hours per day. On two different occasions, one of two weeks and the other of one week, I was denied sleep altogether, except for a few brief moments when I would lapse into unconsciousness and then forcibly awakened.

I was alternately starved and fed, on one occasion going for a period of twelve days without food. The diet consisted almost entirely of bread, potatoes and rice, except for the last two weeks of my captivity, when they worked hard at trying to fatten me up before my release.

During the entire period of my captivity, I was bullied and interrogated every single day from four to twenty-four hours. I was slapped, kicked, and forced to do such things as sit erect on a hard stool for sixteen to eighteen hours, and to stand at rigid attention in a hot room full of flies for periods of twelve hours, or until I passed out. This form of torture was particularly aggravated because of the denial of food and sleep.

I had previously been subtly told of the Chinese mania on germ warfare, my alleged "obvious" participation in this type of warfare, and the requirement that I cleanse my conscience and ask forgiveness from the Chinese by confessing all. Near the end of May, after a particularly agonizing period of starving and bullying, I was stood

at attention before a board with a gun in my back and was accused of being a war criminal. I was given the choice of signing a so-called confession or being executed within twenty-four hours. At this point, I refused to sign a confession, accepted the death sentence, and even begged for death so that my mental and physical pain and suffering would be ended. However, instead of killing me they continued the same treatment, but they said that if I gave them a complete and truthful biography they would release me to become an "ordinary prisoner of war". I gave them a biography, except that I omitted my period of duty in the War Plans Division of the Air Force, my attendance at an atomic energy school, and my attendance at an air-ground operations school. Complying with their request for a biography did nothing to improve my treatment. The same mental and physical torture and oppression continued.

I was threatened often. I was told that my country had been defeated and could never win in Korea; that if I did not confess to participation in germ warfare I would give up everything, my family, my country, and my life; that I was responsible for the alleged germ warfare activities of my wing; that I was to be an example to the world that the Communists meant business; that I would never be reported as a prisoner of war, and that when the war was over, I would be officially listed as "shot while trying to escape". These and many other forms of mental torture were used every day of my captivity. This, together with the physical torture, reduced my mental activity to that of a child.

On 17 August 1953, after seven days of starving and bullying, I was taken before a tribunal and was read and shown a formal letter addressed to me and signed by Kim Il Sung, declaring that if I did not confess within twenty-four hours I would never see the United States again. This was to be my last chance. I was then told that the war was over and that all other prisoners had confessed and had been repatriated. At the end of the twenty-four hour period, I still refused to make a confession, but they then showed me my name in a so-called confession of another pilot and played for me a recording of a so-called confession from an Air Force officer whom I knew to be courageous and fine in every respect. This, added to all else, was all I could take in my condition at that time. I broke down completely, feeling that any people who would go that far in destroying a human being would not let up on me, and feeling that my country had given up the fight and would not rescue me.

My captors then gave me several days in which to recover from my run down condition. After several balking efforts, and with prodding and suggestions from them, I wrote a long "confession" declaring that two-thirds of all Korean operations were concerned with germ warfare (which if true, would have wiped out the whole world), that I was a secret agent, and several other absurdities. They became angry with my obvious exaggerations and would not accept the statement I had written. They then gave me a typewritten statement, which I was required to copy in my own handwriting. This statement seemed to be a catch-all or consolidation of all other so-called confessions signed by other pilots. They wanted me to back date it to 26 May 1953, but I balked again, and they finally permitted me to date it 18 August, the day I broke down and agreed to write a "confession". I was also forced to read this "confession" into a tape recorder on 1 and 2 September 1953. It required eighteen hours over a period of these two days to make this twenty-minute recording, because if I made any mistake in pronunciation, or if I stammered or stumbled over the words, they would back up the tape and make me do it over again.

In the "confession", information from my personal background and activities of the Fifth Air Force and the

two wings I was connected with were skilfully woven around the eight germ warfare missions I allegedly participated in. The facts are that none of the dates, times, and places for the missions are part of my actual operations schedule. I was not even in Korea on several of the dates when I was supposed to be flying on a germ warfare mission.

It is utterly ridiculous to think that I or anyone else in the Fifth Air Force had engaged in germ warfare. Through their methods of extreme mental cruelty, great physical deprivation, physical torture and threats of death or disappearance, the Chinese Communists have attempted to perpetrate one of the greatest hoaxes played on mankind in the history of the world.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement consisting of four pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Andrew J. EVANS Jr.
Colonel, USAF, 4072A

Sworn and subscribed to before me this 13th day of September 1953 at the Tokyo Army Hospital Annex, Tokyo, Japan.

(Signed) Andrew A. ANDERER
Special Agent
6th District OSI, FEAF

We hereby certify that we were present at the Tokyo Army Hospital Annex, Tokyo, Japan, when Colonel Andrew J. Evans, Jr., made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said Andrew J. Evans, Jr., signed the above statement in our presence.

WITNESSED :

(Signed) James L. TRUEHEART
1st Lt. USAF 24509A
HQ FEAF O/I - Res.

(Signed) Denzil F. WILDMAN
S/A OSI

8. SWORN STATEMENT OF COLONEL WALKER M. MAHURIN, USAF

Under existing circumstances the story of my interrogation and subsequent confession will not be complete as to detail. In the future I can make a more detailed report when the proper facilities are at hand. I will endeavor to put down enough information on this report so that a general picture of what happened can be obtained.

Prior to the first time I was interrogated about waging BW by the Chinese I received what I considered to be good treatment. However, when I was finally accused of BW my treatment took a substantial change for the worse. From the first part of Oct. on until the middle of December I was maltreated and under constant interrogation by groups ranging from four to fifteen interrogators. During this period I spent at one time 38 hours sitting at rigid attention on the edge of my bed. At another time I spent approximately 33 days sitting at rigid attention on the edge of a stool for 15 hours a day. All of this was an effort on the part of the Chinese to force me to cooperate in writing a statement that I had waged BW against them.

The procedure they used was simple. First they asked leading questions which were obviously aimed at letting me know what others had said. This was done so that

I would be able to write a story that corresponded in some way with other confessions that had been written. Next, they accused me of having been the one person who started the BW program for both the 4th and 51st Wings. This accusation was based on my biography after they had decided just how much of a confession they wanted me to write. That is to say how much of a story they could get based on my experience in the Air Force.

In trying to obtain the confession they emphasized the fact that I was and would be listed as missing in action and unless I confessed or went along with them they intended to kill me. They continually repeated the allegation that other pilots had confessed and that they knew all about what I had done and what, as they put it, my government had done. In fact their opening gambit was that they considered me to be a war criminal, and they knew that my government had waged an unlawful war against them. The only way I could absolve myself of my guilt was to confess. They stated that they intended to treat me outside the rules of the Geneva convention and they then proceeded to do so. At this time I feel that there is no need to go into the details of my treatment.

In the latter part of the month of October they told me that they were going to get a confession out of me no matter what. I deduced from this that they intended to either destroy my mind or to kill me. I made an attempt to commit suicide by cutting the blood vessels in my wrists. Here again the details are unimportant other than to demonstrate the state of mind that they had been able to force me into. Just at the time I was about to faint due to the lack of blood the light went off in my room and I was discovered by the guards. A doctor was hurriedly summoned and I was given medical treatment. This, however, did not deter them in pursuit of a confession.

During the heated period of my confession process when they had begun to affect my thought processes by the simple procedure of keeping me awake for long periods of time I blurted out that I had visited the Army Camp of Detrick at Frederick, Md. This of course was a thing that they wanted and they pressed me to write the details of my visit. It had been some time since I had made the visit and I had forgotten what I saw, but I did write a vague story about the Camp consisting of a description of a sphere where the personnel were experimenting with agents to determine various effects. I also mentioned green houses and gave a vague story about fungus used to carry agents destructive to crops. After getting me to break on this information they began to press me quite heavily to make a total confession. I began to grow angry with them and refused to write further. It was during this period that they tried by means of subtle torture to extract more from me. I found that the more they tried to force me the more angry I got.

They continued to press me and in the latter part of the month of November while I was required to sit at attention on my stool my feet became frost bitten. During this period they did not give me a fire nor did they allow me to close the door to my room. I was always guarded by two guards who watched my every move. When I suffered frost bite I refused to place my feet under my stool so that they would rest on my toes. The guards called an officer who came to me and told me that I could write out a biography again. When I had completed the biography he then said that I should write a complete confession.

I wrote that I had not waged BW nor had my Government. Further I did not know of any plan nor of any other persons or groups that had done any such thing. When I had written this information the officer left with the documents. At about midnight in the first few days of December I was aroused by the guards and taken to

a place where I had never been. Four interrogators were seated on a platform behind a table covered by a cloth. They handed me a typewritten document which they explained I had written. They said that they wanted me to check the grammar and details by reading the document aloud. I started to comply with the instructions. When I had read about two paragraphs it was apparent to me that they had written a confession for me, one that they had made up. Fortunately the lights in the room went out just after I started reading. The interrogators immediately lit candles and instructed me to proceed. When they did so the guard who was standing in back of me with a pistol directed at my back exclaimed "It won't work without electricity." The chief interrogator told him to be silent and to let me proceed. (Prior to this time I had learned to understand a limited amount of Chinese.) I immediately knew that they had a microphone concealed and that they were trying to record my voice. I continued to read but turned away from the table. All this time the lights were out. When I had finished reading the lights came on again. After the interrogators had a slight discussion they turned to me and again instructed me to read the typewritten pages because, as they said, they weren't sure that I completely understood what was written.

I again started to read making sure that my head was turned away from the table. The lights again went out and remained out until I had finished. When the lights went on again they handed me the document I had written in longhand in which I had denied waging BW against them. I read this document completely, and the lights stayed on the entire time. When I had finished this reading they asked me to state clearly which of the documents was correct. At the same time the guard stepped up to me and pressed the pistol close to my back. I hesitated a few seconds and said that the one which denied BW was the correct one. This threw the interrogators into a rage. Just for that, they said, I would have to give them the entire strategic plan of BW before they would let me rest. They then sent me back to my room.

They continued to press me for several days more even going so far as to have a British newspaper man, Allen Winnington, interrogate me for a whole day. Along about the last week of December I lost my temper and told them that I was tired of ballet dancing with them and that I would not confess under any circumstances. They sent me before the Camp commander who screamed at me for a short time and then told me that I would have until noon the next day to confess. At noon I told them I would not do so. That night I was sent before the chief interrogator who gave me one more chance. When I said "no" he told me that he hoped that I realized what I had done and that I would not see him again. He said that I could expect to be put to death suddenly and swiftly.

Until the 10th of April I remained in solitary confinement under all the conditions that the word implies. I was guarded at all times by two guards who watched my every move. A record was kept of each move I made. During this period they pulled the standard night raids on me which I believed each time to be the time they had come to execute me.

On the 10th of April a new interrogator came to me to get me to confess. This time a new approach was used. I was given books to read (not necessarily political) and I was allowed to open the door of my room. The interrogator took me for walks and had several pleasant conversations with me. He repeated time and again that I would never go home unless I confessed and he emphasized that I was still listed as missing in action.

About the last of May 1953 I decided to write what I could in the way of a confession, for reasons which are too lengthy to discuss in this report. I have forgotten

to mention that in the month of December they had played wire recordings to me of four F-86 pilots who had confessed to waging BW. Each of these pilots had mentioned my name so it was fairly easy for me to conclude what kind of a confession I would have to write to satisfy my problem.

I continued to write many pages of sheer rot which I made up concerning missions I had been on, interviews I had had and instructions I had been given regarding waging BW. The interrogator by this time had dropped all pretenses and admitted that the confessions were political in nature, and that they did not have to have any basis in fact. However, the confessions that I wrote did not suit him. He would make suggestions such as making me write about a conference I had with the secretary of the Air Force about BW. He told me that I had to write in my confession that I had made a suggestion to the secretary that fighter aircraft could be used for waging BW. I had to write a mythical conference with a General Officer in Hq. USAF in which I was given instructions to start the BW program for the F-86s in the Korean theatre. I had to write a mythical meeting with Gen. Weyland, and a mythical conference with Gen. Everest. I had to write about briefing the pilots at the 51st Wing. I had to give details of germ tanks which carried infected fleas, flies, and mosquitoes. These insects, I said, were infected with such things as typhoid, malaria, and plague. I had to describe a compartmented germ bomb which contained such things. I had to figure out a way how these things would be heated for high altitude. I told of two missions that I had flown on which I had carried germ tanks. I was required to state that these missions had been directed against China on a small scale. In other words I had to devise a complete story which was acceptable to the Chinese yet at the same time assinine to anyone who read it and used a little thought. I used the names of people who had retired, and people who were dead. I used dates that had no basis in fact. All of the story was completely ridiculous. However, it was acceptable.

I finished writing my confession on about the 8th of August 1953. I was required to copy it onto a type of paper which could be used for lithographing. I was required to wire record the confession. They took a picture of me while I was pretending to read the confession.

At the conclusion of this foolishness I was called before the camp commander. He told me that the war had ended on the 27th of July and that my case was now settled. However, he stated that I would have to answer military questions until I would be repatriated along about the first part of Oct. By the way I was required to back date my confession to 10 May 1953 before they would accept it.

About the 26th of August they came to me again and said that the Supreme Command had reviewed my confession and found that it was not acceptable. My case was again reopened and unless I cooperated I would not be sent home. I began to write it over again. This time they made no bones about what they were doing. They even went so far as to write pages of my confession themselves, and tell me to copy what was written and sign it. I did this within limits. When they tried to get me to include all other types of aircraft and give details of each type I refused to do so telling them that I would write about the F-86 and nothing else. It was obvious that they were making my confession jibe to a limited degree with other confessions that had been written. I finished the confession again on the 2nd of Sept. Again they insisted that I date it 10 May. I refused to do so and dated it 10 August. However, I did also sign one statement with no date indicated. The night of Sept. 2nd I made a wire recording of the confession and finished about two in the morning of Sept. 3rd.

I started south for freedom at noon on Sept. 3rd. During this period I was kept in solitary confinement. I was neither allowed to write to my family nor did I receive any letters from my family. I was met at Freedom Village by the Director of Intelligence of 5AF who told me that the first indication he had that I was alive was when he saw me drive up in a jeep. I feel that I am indeed fortunate to be back with Americans again.

In closing I add that from my knowledge my treatment was in many respects similar to that received by Mr. Robert Voegler and by the person whose story was printed in Look magazine dated June 2, 1953. At no time did I ever believe what I was writing. I wrote only what was necessary to solve my problem. The entire confession was without basis in fact and if examined by persons of intelligence will appear ridiculous. I feel that my responsibility lay in bringing myself back to friendly hands intact so that I may be able to fight again. I feel that refusing to cooperate by not writing a confession would have only led to death and would have in no way benefited either myself nor my country.

This story is brief and unfortunately cannot be backed up with documentation. I can at any time write in much more detail. Such detail will require a long period of time. The grammar in this document will not be satisfactory because I have not reviewed this document nor made any corrections or additions. The statements included in this document are true and correct to the best of my knowledge and memory.

The confession written for the Chinese was made almost exactly as this one. I was required to initial each page and each mistake exactly as I have done in this document.

I further state that I have read this entire statement, initialed all pages and corrections, and signed this statement, and that it is correct and true as written.

WITNESSES :

(Signed) Edwin R. OUTLAW
1426 Alma Street
Shreveport, La.
(Address)

(Signed) Walker M. MAHURIN, Col. USAF
(Signature)
George A.F.B. California
(Address)

Subscribed and sworn to before me this
19 day of September 1953 at
aboard MST HOWZE a person authorized
by law to administer oaths.

(Signed) Henry R. PETERSEN
Signature of person administering oath.
Henry R. PETERSEN

Typed signature of person administering oath
Sum. Court Off. Major Inf
Official character, grade, etc.

9. SWORN STATEMENT OF LIEUTENANT JAMES L. STANLEY

I, James L. Stanley (name), AO 591426 (service number), 1/Lt (grade) having been advised of my right under Article 31, Uniform Code of Military Justice, by Edwin R. Outlaw, make the following statement voluntarily without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offense of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

* * *

16 September 1953

I, 1/Lt. James L. Stanley, AO 591426, make the following statement concerning my interrogation and subsequent treatment by the Chinese during the period of my captivity.

After several preliminary talks of approximately one hour each, the Chinese began a full time interrogation with me 18 April 1952 at POW camp Number 2. The preliminary talks were on the subject of Germ Warfare and I was told I was being charged with participating in it. I was read a statement from the Chinese Foreign Minister stating that all captured American fliers that participated in Germ Warfare were considered war criminals and would be punished according'y. This was to give me something to think about before interrogation.

My interrogation began immediately on Germ Warfare and as I denied any knowledge of it, the Chinese began standing me at attention for periods of one to four or five hours. After about four or five days they told me that two of my squadron mates had confessed to participating in large scale Germ Warfare [1/Lt. John Quinn and 1/Lt. Kenneth Enoch] and since I was from the same unit I too was guilty and must confess to my crimes. I refused and my periods of standing at attention became more frequent and longer. After ten days of this I was taken to jail and put in a small cell [approximately 3' x 5-1/2'] with the door completely boarded over. There I remained for eight days with the Chinese coming back daily to remind me that worse things were in store for me if I didn't confess. On 8 May 1952 they took me out of jail and told me to write a confession or else. I refused and two Chinese held me on the ground while a third one [an interrogator] kicked and slapped me. After this they got me up, stripped me down to my waist and stood me at attention with an armed guard from then [approximately 2000] until approximately 1800 the following day. At that time I began to fall because of severe swelling and cramps in my arms, legs and feet. After I fell a couple of times the interrogator came out, struck me a hard blow on the head with his fist and took the broad side of a hatchet and began beating my legs while I was lying on the ground. They then stood me up for a couple more hours and as I became completely unable to stand up any longer they took me into a room and left me alone, except for some questioning, for about two days. They then moved me to another house and that night they woke me up shortly after I went to sleep and gave me two minutes to confess. As I refused I was stripped down to my shorts and was stood outside barefooted at the same rigid attention all that night and the next morning I was moved into my room, with an armed guard at the door, and I continued to stand at attention until late that afternoon when an interrogator came down and let me sit while he tried to persuade me to confess. That night I was given food. [During periods of standing at attention neither food nor water is given.] At about 2000 I was taken to Camp Headquarters where I met a supposedly Military Tribunal and was told I was about to die unless I confessed to my crime of participating in Germ Warfare. I refused to confess and was immediately stripped down to my shorts, arms tied behind me at the wrist and upper arms, and a noose put around my neck in such a fashion so if I moved my arms at all it would only tighten the noose about my neck. I was then placed in front of a large home-made spotlight with my face about six to eight inches from the light. Then and there they began questioning me about germs and this continued for about three to four hours. I was then taken outside where it was raining quite hard and a pistol was placed behind my head and I was given my "last" chance to confess. After I refused they held a short conference and I was then placed under a roof drain with the guard near by and left there until early the next A.M. I

was untied and taken to my room and left alone for about two days. Then my food was suddenly taken away for about three days and water for about eight to ten days. Intense interrogation began again with my being questioned morning, afternoon, and night. But the treatment was good and I was given a package of tobacco, sugar, soap, clothes, and several other items.

On 4 June 1952 I was taken to see the Camp Commander who talked to me through an interpreter for four or five hours. There he urged me to confess, telling me that many Americans had already done so, and made me many promises of what would happen if I did so also. These promises included (1) my being returned home when war was over, (2) could hear from my wife and family, (3) be placed in Compound and receive treatment accorded ordinary prisoners of war. [I was classified as a war criminal.] I refused to confess and was given two days to think it over and confess or I would have to pay the supreme penalty. During these two days I was continually reminded of my fate if I continued to hold out. On night of 6 June I was again taken to see the Camp Commander and after briefly reviewing what he told me the night before he gave me two minutes to confess. Again I refused and he hurled a pot of hot tea in my face, put on his pistol, and I was then kicked or shoved out doors where a squad of guards was waiting. They [including the Camp Commander and interrogators] took me about a half mile out of Camp down into a creek bed and stood me against a bank facing the firing squad. After writing down personal data such as name, next of kin, religion, etc., I was given a last chance to confess. I didn't confess so after shoving me around some, they took me to a house where I was tied up with feet being swung from one end of a rafter and my hands from the other leaving my buttocks on the floor. There I was left until about 1000 the next day.

My room was then boarded up as tight as possible and I stayed there until 19 August 1952 being questioned very little and being mostly left alone. On 19 August I moved to POW Camp No. 2 Annex where my treatment rapidly improved although I was never put in a large group of prisoners.

James L. STANLEY
1/Lt. USAF
AO 591426

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement consisting of 9 pages; and it is true and correct to the best of my knowledge and belief.

(Signed) James L. STANLEY

Sworn and subscribed to before me this 16 day of September 1953 at (a), or (b) sea aboard the Howze

(Signed) Henry R. PETERSEN
Major, INF
Summary court

Whereby certify that we were present at (a), or (b) Howze.

when James L. Stanley made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said James L. Stanley signed the above statement in our presence.

WITNESSED :
(Signed) Edwin B. OUTLAW

10. SWORN STATEMENT OF LIEUTENANT FRANCIS A. STRIEBY

I, Francis A. Strieby (name), AO 1912123 (service Number), 1/Lt (grade), having been advised of my right under Article 31, Uniform Code of Military Justice, by William W. Dennis, Jr., make the following statement voluntarily without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offense of which I am accused or suspected and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

* * *

While being interrogated at the Korean Interrogation Camp by the Chinese, I was handcuffed from 19 August 1952 until 29 August 1952. The reason given—"I had a hostile attitude" (i.e., I refused to cooperate with the Chinese when told to write a confession stating that I had violated the territorial air of China and Russia and participated in criminal acts of violence against North Korea, China and Russia while flying with the United States Air Force).

At Mukden, China, I was leg-chained from 17 March 1953 until 25 March 1953. At intervals during this period the Chinese guards would enter my cell, tighten the bracelets around my ankles and kick the metal into my shins until the flesh was torn. These injuries became infected. I requested medical aid but received none. I have the scar as proof of this incident.

The Chinese interrogator stated that I was put into chains because I resisted his interrogation and was using my old Korean interrogation camp methods to do so.

I was also told by a prison official that this punishment was only the beginning and that prison was no place for a prisoner to get tough.

During April 1953 on three occasions the guards entered my cell, dragged me about the floor, kicked my legs and back severely and practically lifted me off the floor by my hair and ears. I asked the interrogator why such acts were committed but was given no explanation.

In August 1953 the guards accused me of hiding something in my closed hand. I had nothing in my hand but refused to open it. Five guards pinned me against the cell wall, struck me several times in the body and began forcing my hand open, one finger at a time. One guard bent my thumb back with both hands until I thought

he had broken it. At this point I struck back. I had no further mistreatment from the guards.

The officials of the prisons at Mukden denied all charges of mistreatment I brought before them.

MISTREATMENT OF OTHER PRISONERS

From 6 April 1953 until 25 April 1953, while held in a prison in Mukden, I know that 1/Lt. Kenneth S. Brazil (USAF) was leg-chained during intensive interrogation.

REFUSAL TO SIGN DOCUMENTS

While in Korean interrogation camp I was told by the Chinese that I would have to sign a final draft concerning bacteriological warfare after making a statement of confession. I was told I would be killed and that they (Chinese) would claim I had died of sickness if I did not cooperate. I refused to sign any documents of such nature.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement consisting of 5 pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Francis A. STRIEBY

Sworn and subscribed to before me this 20 day of September 1953 at (a), or (b) sea aboard the MSTs Howze.

(Signed) Henry R. PETERSEN
Major, INF
Summary Court

We hereby certify that we were present at (a), or (b) sea aboard the MSTs Howze when Francis A. Strieby made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said Francis A. Strieby signed the above statement in our presence.

WITNESSED :

(Signed) William W. DENNIS, Jr.
323 Mallory Avenue
Hampton, Virginia

DOCUMENT A/C.1/L.67

Union of Soviet Socialist Republics: draft resolution

[Original text: Russian]
[26 October 1953]

The General Assembly

Calls upon all States which have not acceded to or ratified the Geneva Protocol of 17 June 1925 for the prohibition of the use of bacterial weapons to accede to the Protocol or ratify it.

DOCUMENT A/2535

Report of the First Committee

[Original text: English]
[31 October 1953]

1. By resolution 706 (VII) of 23 April 1953, entitled "Question of impartial investigation of charges of use by United Nations Forces of bacteriological warfare", the General Assembly, *inter alia*, (a) resolved that a Commission, composed of Brazil, Egypt, Pakistan, Sweden and Uruguay, should carry out an investigation of the accusations that had been made by certain governments and authorities charging the use of bacteriological warfare by United Nations forces; and (b) requested the President of the General Assembly to transmit the resolution to the governments and authorities concerned, requesting them to indicate their acceptance of the proposed investigation, and to report to the General Assembly.

2. On 28 July 1953, the President of the General Assembly reported (A/2426) that General Assembly resolution 700 (VII) had been duly communicated to the Governments of the United States of America, the People's Democratic Republic of Korea, the People's Republic of China, the Republic of Korea, and Japan. The Governments of the United States of America, the Republic of Korea, and Japan had accepted the proposed investigation, but no other replies had been received.

3. At its 435th meeting on 17 September 1953, the General Assembly decided to include in its agenda the item entitled "Question of impartial investigation of charges of use by United Nations forces of bacterial warfare", and referred it to the First Committee for consideration and report.

4. The First Committee considered the item at its 648th to 653rd meetings, inclusive, held from 26 to 31 October.

5. By a letter dated 26 October (A/C.1/L.66), addressed to the Secretary-General, the representative of the United States of America transmitted copies of ten sworn statements by members of the United States armed forces, made following their release as prisoners of war, concerning the charges of the use of bacterial warfare in Korea.

6. On 26 October, the Union of Soviet Socialist Republics submitted a draft resolution (A/C.1/L.67), providing that the General Assembly should call upon all States which had not acceded to or ratified the Geneva Protocol of 17 June 1925 for the prohibition of the use of bacterial weapons to accede to the Protocol or ratify it.

7. On 28 October, Canada, Colombia, France, New Zealand and the United Kingdom submitted a draft resolution (A/C.1/L.68), providing that the General Assembly should (a) refer to the Disarmament Commission the USSR draft resolution (A/C.1/L.67) for such consideration as deemed appropriate under its plan of work and pursuant to the terms of reference of that Commission, as set forth in General Assembly resolutions 502 (VI) of 11 January 1952 and 704 (VII) of 8 April 1953; and (b) decide also to transmit to the Disarmament Commission for its information the records of the First Committee in which this item was discussed.

8. At the 653rd meeting on 31 October, the representative of the United Kingdom moved that the five-Power draft resolution (A/C.1/L.68) should be put to the vote first. This motion was adopted by 44 votes to 5, with 11 abstentions.

9. At the same meeting the Committee adopted, by 47 votes to none, with 13 abstentions, the five-Power draft resolution (A/C.1/L.68).

10. At the same meeting the Committee decided, by 38 votes to 5, with 15 abstentions, that, in view of the adoption of the five-Power draft resolution, it would not vote on the USSR draft resolution (A/C.1/L.67).

Recommendation of the First Committee

11. The First Committee, therefore, recommends to the General Assembly the adoption of the following draft resolution:

QUESTION OF IMPARTIAL INVESTIGATION OF CHARGES OF USE BY UNITED NATIONS FORCES OF BACTERIAL WARFARE

The General Assembly

1. Refers to the Disarmament Commission the draft resolution of the Union of Soviet Socialist Republics contained in document A/C.1/L.67 for such consideration as deemed appropriate under its plan of work and pursuant to the terms of reference of that Commission as set forth in General Assembly resolutions 502 (VI) of 11 January 1952 and 704 (VII) of 8 April 1953;

2. Decides also to transmit to the Disarmament Commission for its information the records of the meetings of the First Committee at which this item was discussed.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 456th plenary meeting on 3 November 1953, the General Assembly adopted the draft resolution submitted by the First Committee (see above). For the final text, see resolution 714 (VIII).

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A/C.1/L.67	Union of Soviet Socialist Republics: draft resolution	14	
A/C.1/L.68	Canada, Colombia, France, New Zealand and United Kingdom of Great Britain and Northern Ireland: draft resolution		See A/2535, para. 11
A/AC.50/3	Committee of Twelve I. The organization and scheme of work of the League of Nations in the matter of disarmament II. Treatment of the question of chemical and bacteriological warfare in the League of Nations III. The exchange of information on armaments under the League of Nations.		Mimeographed document only
A/L.165	Union of Soviet Socialist Republics: draft resolution		See A/C.1/L.67
A/RESOLUTION/127	Resolution adopted by the General Assembly at its 456th plenary meeting on 3 November 1953		See <i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 714 (VIII)</i>
S/2071	United States of America: draft resolution submitted on 20 June 1952 on the question of a request for investigation of alleged bacterial warfare		See <i>Official Records of the Security Council, Seventh Year, Supplement for April, May and June 1952</i>
S/2802	Note dated 1 October 1952 addressed to the Secretariat from the delegation of the Union of Soviet Socialist Republics, transmitting a report of the International Scientific Commission for the Investigation of the Facts concerning Bacterial Warfare in Korea and China		Mimeographed document only
DC/4/Rev.1	Plan of work proposed by the Union of Soviet Socialist Republics		See <i>Official Records of the Disarmament Commission, Special Supplement No. 1. Second Report of the Disarmament Commission.</i>

GENERAL ASSEMBLY



Official Records

ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 25: Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China: report of the Government of the Union of Burma

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MAR 24 1954

DOCUMENT A/2423

[Original text: English]
[22 July 1953]

**COMPLAINT BY THE UNION OF BURMA REGARDING AGGRESSION AGAINST
IT BY THE GOVERNMENT OF THE REPUBLIC OF CHINA**

Letter dated 29 June 1953 from the Secretary of the Permanent Delegation of Burma to the United Nations, addressed to the Secretary-General

New York, 29 June 1953

I have the honour, on instructions of the Government of the Union of Burma, to submit herewith three copies of the exhibit documents¹ which were used by the delegation of Burma in support of the following item: Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China (agenda item 77), at the resumed seventh session of the General Assembly.

I am further instructed to request that the exhibit documents be released as United Nations documents so that these can be used when the item comes up for discussion during the eighth session of the General Assembly.

(Signed) Ba MAUNG
Secretary

INDEX TO EXHIBIT DOCUMENTS AND APPENDICES

Exhibit 1: Training instructions issued by General Liu Kuo Chuan of the 26th Army, Commander of the Army Corps, concurrently Director of the Training Corps for Special Duty (found on the person of Colonel Yu Shing Ming, captured at Kengtung by Union Forces on 9 July 1951 while entering the town disguised in civilian clothes. Now interned at military internee camp).

Exhibit 2: Training instructions and appointments issued by General Liu Kuo Chuan addressed to Director Yu Shing Ming—document issued as Chuan No. 359 dated 3 July of 40th Republican year (1951) at Ming Lui (found on the person of Colonel Yu Shing Ming as described in the preceding document).

Exhibit 3: Letter dated 4 November of 41st Republican year (1952) transmitting summary decision of the discussion of the sub-committee of the 4904 Battalion containing instructions to incite Sawbwas and local citizens (hill tribes) to rise against the Union Government (found on the person of Kuomintang messenger Wang Tsi Chung on 4 December 1952 near Pangkham. Now detained at military internee camp).

Exhibit 4: Letter No. FA Ching/134 dated 3 July of 41st Republican year (1952) issued at Khong-mu-dan by Li Chao, Regimental Commander and Liu Chien, Assistant Regimental

Commander to Commander of "Chung" Battalion, containing instructions to incite Sawbwas to rise against the Union Government (found on the corpse of a Kuomintang officer on 8 February 1953 during the Loikaw battle).

Exhibit 4A: Telegram Service No. FA CHING/191, dated 11 December of 41st Republican year (1952) from Li Chao, Commander of 3074 Regiment to Chang Szu Hsin, Commander of "Chung" Battalion² (found on the corpse of a KMT officer killed on 8 February 1953 during the Loikaw battle).

Exhibit 5: Telegraphic instructions from Li Chao, Commander of 3074 Regiment dated 1 November of 41st Republican year (1952), containing instructions positively to support the Karen and Mon insurgents (found on the corpse of a KMT officer on 8 February 1953 during the Loikaw battle).

Exhibit 6: Note of encouragement from Chiang Chung Cheng (alias Chiang Kai Shek) dated 5 January of 40th Republican year (1951) to General Li Mi and his forces (captured near Kengtung on 6 February 1952 with other booty).

Exhibit 7: Identification cards No. 1498 and 1257 portrait of Chiang Kai Shek, issued to cadets (found on the corpse of a KMT officer on 8 February 1953 during the Loikaw battle).

Exhibit 8: Copy of telegram No. Chen Tsu 0035, dated 26 January of 41st Republican year (1952) (Monghsat) under the signature of Chiang Ching Kuo, son of Chiang Kai Shek, to the 1st Regiment of the First Division, containing words of encouragement to General Li Mi and his forces (captured at Monghsu on 7 March 1953 when Union forces reoccupied the town).

Exhibit 9: Regimental Order No. Chin Ma Li 0151, dated 30 May of 41st Republican year (1952) by Teng Chin Chin, Acting Commander, concerning the issue of scheme of co-operation for existence of small groups undertaking operation, addressed to the 28th Battalion of 3074. This contains instructions issued in April of 41st year (1952) by Chief of the General Staff, Kuomintang Headquarters, Taipei, signed by Chou Chih Jou, Chief of the General Staff (captured near Loikaw on 12 February 1953 with other booty).

Exhibit 10: Letter No. Yunnan Keng Wai Chiao 009, dated 24 August of 40th Republican year (1951) from Major-General Pu Ching Yun, Commander of the First Division Peace Corps of Public Peace Office addressed to the Mong Ping Government (i.e., Force Commander of Union troops stationed at Mong Ping) openly declaring that his force belongs to the Kuomintang Army under Chiang Kai Shek

¹ English text supplied by the delegation of Burma.

² i.e. Kuomintang.

(forwarded to Union Force Command at Mong Ping on 26 August 1951).

Exhibit 11: Letter dated 14 February of 41st Republican year (1952) from Han Yu Chi of the 26th Army headquarters stating that General Li Mi is in Formosa (captured on a KMT courier near Tongta on 3 May 1952. Courier shot dead while trying to escape).

Exhibit 12: Letter dated 5 July (presumably 1951) from Pei Feng, captured with Colonel Yu Shing Ming, stating that arms and ammunition supplies have been received from Formosa (found on the person of Colonel Yu Shing Ming captured at Kengtung by Union forces on 9 July 1951 while entering the town disguised in civilian clothes. Now interned at military internee camp).

Exhibit 13: Note No. Chin Ma Li 0178 dated 9 July of 41st Republican year (1952) from Tung Chia Chiu, Acting Commander of 6180 Regiment, addressed to a unit of 3074 Regiment concerning the transfer and promotion of political workers, disclosing the dispatch to Formosa for training of the Director and the Assistant Director of the Political Department (found on the corpse of a KMT officer killed on 8 February 1953 during the Loikaw battle).

Exhibit 14: Letter No. BL/L, dated 7 February 1953, from Saw Ohn Pe, leader of Kawthulay delegates, to General Li Mi on the question of small arms training (found on the corpse of one of the three Europeans killed at Wan-Hsala on 25 March 1953).

Exhibit 15: Air photograph of Monghsat airfield taken by the Burma Air Force during March 1952.

Exhibits 16, 16A to 16F: Photographs of Kuomintang troops undergoing training at Mongnyen training centre during January 1952.

Exhibit 17: Outline map of Burma showing latest KMT disposition.

EXHIBIT 1 (originally exhibit document 4)³

ORDER OF INSTRUCTION

Headquarters of the 26th Army, Military Department
Special

1. The Training Corps for this Army will commence to operate from 15 July temporarily at the Ming Lui Primary School.

2. Term for the schooling shall be provisionally fixed for five weeks.

3. In every Regiment, officers below the rank of platoon 2 i/c shall be selected first. Other officers shall be sent for training separately.

4. From the section attached to the area for the First Army a number of 25 men shall be selected and sent for training, and 20 men from the 93rd Army, 6 men from the Military Corps, 4 men from the Transport Corps and one man from the Liaison Section of this Army.

5. Students for training should bring with them personal effects. Boarding fee shall first be paid by this Army and then deduction will be made afterwards.

6. Boarding fee is fixed at old rupees (?)⁴ Members of the guerrilla corps shall pay at the rate of rupees 3 per month. The deficit shall be made up by the subsidiary of the training corps.

³ Original numbers were assigned to exhibit documents by the War Office in Rangoon.

⁴ Interrogation marks appear in the text where the original Chinese text is illegible.

7. The Military Doctor to be attached to the training corps for special duty shall be sent by the First Army and the medicines are to be supplied by (?) Army.

8. Every section which has sent its men for training shall prepare a list of such personnel in duplicate; a copy to be sent to the Headquarters for record and the other to be carried by the personnel for training and made over to the officer concerned when they report themselves at the training school.

9. All the personnel for training from different sections shall be at Ming Lui on 12 (?) and report themselves to Director Jao T'i Jan of the preparatory committee of the training corps.

10. It is requested that this instruction be complied with except when otherwise instructed.

Liu Kuo CHUAN
*Commander of the Army Corps,
concurrently Director of the
Training Corps for Special Duty*

EXHIBIT 2 (originally exhibit document 4-A)

TRAINING AND ORGANIZATION

Headquarters of the 26th Army, Military Department
Order of personnel addressed to Director Yu Shing Ming.

Document issued dated 3 July of 40th Republican Year (1951); serial number Chuan No. 359, Place Ming Lui.

Sealed (?)

1. Li Hsi Che, Commander of the Military Government area and Li Gin Fu and Kyeh Chih Nam, Vice-Commanders of this Army, are requested to take up the duties of vice-director of the training corps, concurrently.

2. Kyang Chao Chi, Vice-Commander of the First Military Government, is appointed concurrently to act as a director of the training corps for special duty.

3. Colonel Jao T'i Jan, Senior Staff Officer, is transferred and Colonel Wen Shih Ch'ing, Chief of the Staff, and Mr. Li Shao Pei, the Section Chief, are appointed to be instructors to the training corps for special duty.

4. Kyii Shing Ming, Director of Political Department of the 93rd Army is transferred to take up the post of the political director of the training corps for special duty. Lieutenant-Colonel Chin Wen P'u, is transferred to take up duty concurrently as educational officer.

5. Jao Ti Liang is appointed to be the clerk of the 3rd committee of the training corps for special duty.

6. Major Chang Hsai Sing an officer of the 93rd Army is transferred to be assistant director of education of the training corps for special duty, and Warrant Officer Tseng Chi Wen, officer of general affairs, to be assistant officer of general affairs of the training corps.

7. Lieutenant Colonel Lu Hsueh Chen, a Section Chief, is transferred concurrently to be the chief of the officer group of the training corps for special duty. Lieutenant-Colonel Hsu Chia T'ing, Chief of the Transport Corps, is transferred concurrently to be the vice-chief of the officer group of the training corps for special duty.

8. Major Jao P'u of the First Platoon of the Military Police Corps of this Department and Major Lin Pei Chuan, of the Military Police Corps of the 93rd Army, are transferred concurrently to be section chief of the officer corps.

The above order is to be complied with.

Liu Kuo CHUAN
Commander of the Army Corps,
concurrently Director of the
Training Corps for Special Duty

EXHIBIT 3 (originally exhibit document 10-A)^b

To carry and deliver
brother Wang Ts'an Huang
to be opened personally.

Sender's name is inside the letter.

Dear brother Ts'an Huang,

Your letter has been received and the contents have been noted. Regarding Wang Tu Chin he was originally in the service of the Intelligence Corps. As soon as Ching has come he gave some excuse and went away with a revolver and some government property. He then went and worked to assist others. He went away without leave. This is a misconduct. I hope you will send him secretly at once to heaven. The revolver and the things which he took with him may be kept for you and others own use. Hereafter if any one desert with government property without permission he should be shot without any discrimination. No leniency will be shown.

As for food expenses Tsi Chung may be asked to make temporary loan from his friend. It will be repaid afterwards. You must think hard to find out ways and means. Our funds have not yet been received so we are left to devise ways and means for ourselves. All the matters decided at the meeting are expected to be carried out accordingly.

Everything should be kept in secret, but carry out bravely. I, your elder brother, shall hold myself responsible for anything you have shown in performing your duty.

Wishing you well,

I CHANG
(Own handwriting)
4 November

Certificate.

No. 12 dated 4 October of 41st Republican year.
Seal of the 1st Army of (?) Yunnan.

This is to certify that

four members (1) (?)
(2) Wang Tsi Chung
(3) Li Kya Asiang
(4) Lu Kyu Fei

of the said army are sent out to be on duty on the Burma Road; friendly forces are requested to afford them convenience and facilities and also to render them all necessary assistance.

Wang Yu WEI
Commanding Officer

^b A reproduction of the original will be found on page 11.

SUMMARY DECISION OF THE DISCUSSION OF THE SUB-COMMITTEE OF THE 4904 BATTALION, DATED (?)

Subject. 1: What should we do prior to our being attacked by the Burma Army.

Seal of the 4904 Battalion

1. Fundamental principle

a. Based on the principle of annihilation of the public enemy of the human race any place in any free country may be used as a base for anti-communist operation just in the same way as the United States are making use of other countries as their bases.

b. Our battalion is situated in between the Burmese Army and the bandits (Chinese Communist). We are being attacked from the south as well as from the north so militarily we shall resist the Communist bandits on the north. Politically we shall join hands with all the political parties of Burma especially with the Government of Kawthulay and the two parties of Karen and Mon to enhance their power in reorganizing their government to achieve the aim and object of anti-Communism.

c. National independence shall be the slogan to call the people together so that the Burmese Government will become helpless and will surrender without fighting.

2. Procedure

a. The Burmese Government is controlled by the Burmese who are corrupted and accepting bribery. They oppress other nationalities.

b. By assisting the hill tribes to strive for independence and to choose their leaders.

c. The Burmese Government is doing away with the Sawbwas so we must support Sawbwa of Mong Pan and other states to become independent.

d. To request assistance morally and materially from the Chinese overseas and to stir up public opinion against the Government.

3. Military preparation

a. To be clear about the movement of the enemy, intelligence should be obtained regarding the movement of the Burmese forces from Lashio to Namkham. At all important points along this route, spies should be posted.

b. To inspect secretly the topography of the region and to determine the holding points along the route and also to find out the places for ambush and to plan lines of communication and to put up defence work.

c. To fix the signal and to devise ways and means for concentration and dispersal of the troops and also allot time and place and route.

d. To inform all concerned that the military order shall be strictly observed. Offenders shall be severely punished.

4. Political side

a. The Chinese Communist bandits set up the Burmese Army to drive away the Chinese Nationalist Army in the hope of getting Naw Seng and his followers to enter Burma and to occupy the north so as to join hands with the Chinese Communists.

b. The discipline of the Burmese Army is very low; they rape and rob especially our Chinese and other races.

c. To support the movement of national independence. This shall be the duty of our forces.

5. The discipline of an army

a. To make known to all the tribes that we shall not interfere with them in any way except the Burmese and ins and outs (?) of the Government organization.

b. To take note that a good impression on the people of the locality shall be left by our Army after having passed through.

c. When any furniture or things are required they should be borrowed politely, and also ask through the headman of the place for help.

6. Personal preparation

a. Each individual should be lightly equipped and should be ever ready on the move.

b. All the unimportant documents should be singled out and destroyed from time to time.

c. Arms and other things should be examined and cleaned before start so as to avoid any obstruction.

Subject 2. How should we retaliate when we are being attacked by the Burmese Army.

1. Strategy

a. To avoid frontal fight, to bypass from the flanks and attack from their back and try to seize the important positions and to rob the Government treasury and stores to get money and things.

b. To stir up the local people to steal arms and ammunition from the Burmese soldiers for the use of their own defence.

c. To avoid our responsibility for the attack by making use of the names of the enemies of the Burmese Government, such as Burmese Communists or followers of Naw Seng.

d. Our direct aim is the Burmese Government; we therefore should avoid stirring up the bad feeling of the Burmese.

2. Tactics

a. Find out the direction in which the Burmese Army are moving and then select advantageous position for ambush.

b. Organize guerilla troops to disturb the Burmese Army and also for concentrating lightning blows.

c. Appoint liaison officers in every detachment so as to assist commanding officers in giving orders in the combined attack.

d. The combination must be good. Movement must be swift and secret. The number and the insignia of each troop should be changed every now and again.

e. If the Burmese Army is too strong we should retreat again and again so as to make them become careless so that we may start our lightning attack from the rear and go into the heart of their position.

f. If we attack we should give them very severe punishment otherwise we should not attack at all.

g. The order to fight should be carried out to the utmost.

h. Once the fight starts we should have no more regard for the Burmese Government. All the Burmese organizations should be destroyed.

3. Supplies

a. Supplies shall be obtained locally but we must

avoid giving bad feelings to the people, and try to get them voluntarily.

b. Should you borrow arms and ammunition from the people of the locality see that you do not stir up hatred.

Subject 3. What we should do after the fight is over.

a. When war is over we should make propaganda that we were attacked by the Burmese Army and that we are in no way responsible for the fight.

b. Make propaganda that the Burmese Army has in fact committed rape and robbery.

c. Encourage and support the tribes in the north of Burma in their struggle for independence and to establish provisional government.

d. To investigate the merits and demerits of the troops taking part in the fight and give reward and punishment accordingly, and also to comfort and console the people of the locality.

EXHIBIT 4 (originally exhibit document 11)⁶

3074 Regiment

(Substitute for telegraphic service)⁷

Subject: As per letter

Addressed to: Commander of "Chung" Battalion

Enclosed: Nil

No. Fa Ching/ 134

Dated 3-7-41 (1952)

Place of issue: Khong-mu-dan.

I. According to the telegram from 6180 Regiment No. Mu Mon /124.(1) according to confidential report, the Burmese Government is at present recruiting volunteers from all places. This seems to be in preparation to fight against us. (2) This army and all the sections under it should adopt the following policy to oppose it: (i) Every section must try to find out the number of the volunteers recruited by the Burmese Government Army at their local headquarters, and the manner in which they recruit; (ii) Try by every means to incite the Sawbwas and the Headmen to spread sedition against the Burmese Government by propagating that the Burmese Government is abolishing the system of Sawbwa Administration by utilizing the recruits, Shan volunteers, in order to accomplish its intention of governing all the nationalities by the Burmese. The recruiting officers sent by the Burmese Government and the volunteers recruited shall be denied passes issued by us and we shall put all kinds of obstacles in their way; (iii) All the above instructions are to be complied with and report made on result.

Li CHAO

Regimental Commander

Liu CHIEN

Assistant Regimental Commander

Duly complied with
Chang Chai JEN
3-7-41

⁶ A reproduction of the original will be found on page 16.

⁷ i.e. Communication is to be treated with the same degree of urgency as a telegram.

EXHIBIT 4A (originally exhibit document 11-A)⁸

ANTI-COMMUNIST AND COUNTRY-SAVING ARMY NO.
3074 REGIMENT

(Substitute for telegraphic service)

No. Fa Ching/191

Dated 11-12-41 (1952)

1. Telegram received from Chiu Han Chung of the Staff Office dated (?) to the effect that instructions have been received repeatedly from headquarters that the important work for every unit to do in the areas they occupied is to get the Sawbwas and Headmen to join hands in opposing the Burmese Government in abolishing the system of Sawbwa administration.

2. Please act accordingly.

To: The Commander of "Chung" Battalion — Chang Szu Hsin

Li CHAO
Regimental Commander

EXHIBIT 5 (originally exhibit document 12)⁹

ANTI-COMMUNIST AND COUNTRY-SAVING ARMY NO.
3074 REGIMENT

(Substitute for telegraphic service) No. Fa Mi/176
Dated 1-11-41 (1952)

Telegraphic instruction received from Mr. Chiu

I. Clause 4 of the principal points of propaganda as issued under telegram "I.U." is amended as follows.

As the Burmese Government is sticking to the wrong principles our Army shall positively support all the political parties (except the Communist) especially the Kawthulay Government and Karens and Mons and assist them as much as we can so that they may become strong enough to achieve their aim of reorganizing the Government and to work together with us for the object of Anti-Communism.

The amendment is requested to be made accordingly and propaganda to this effect is to be carried out in full.

II. The instruction issued under No. Fa Mi /174 of this headquarters is to be amended and carried out accordingly.

To: The Commander of "Chung" Battalion

Li CHAO
Regimental Commander

Already complied with and made known to all concerned.

Chang Chai JEN
1-11-41

EXHIBIT 6 (originally exhibit document 14)¹⁰

To director Li and through him to all rank and file of the national army stationed at Yunnan and the armed forces of the local Anti-Communists.

The past two years were the darkest period of our national Chinese and it was also a time of hard struggle for our national Chinese. The dark period has now begun to transit into a bright period. In January of the year before last, after I withdrew myself from the government of the Chinese Communists (under the

instigation of the Soviet Russian bandits started madly to disturb tranquility in every part of the whole country. The whole continent of China fell into their hands at the end of the year before last. Many of the unscrupulous and shameless military as well as civil officers surrendered with bent knees. They discarded their loyalty and went over to the bandits. But all of you have been able to stick to your firm determination to uplift the banner of blue heaven and white sun under the most difficult environment and conditions, to have a life and death struggle with a great number of traitors and bandits, to break into pieces the political structure of the Chinese Communist bandits and to defeat the secret scheme of their military operation, and to enhance the national aspiration of the Chinese nationals so as to preserve the quality of revolutionary militants. Your revolutionary spirit of unyielding and unceasing fighting though suffering defeat after defeat will go down to the glorious history of the Chinese nation with praise and tears and also point out the life line that leads to the road of existence and freedom, to the compatriots of the whole Chinese nation.

In order to comply with the demand of the people of the whole nation and to add to the power of the whole nation to fight against the Communists I have resolutely and daringly taken up again from March last year the office of the presidency so as to shoulder the burden together with all the patriotic Chinese and the loyal and brave officers and men the responsibility of Russians and Communists.

For the last year at the base of renaissance — Formosa — there is marked progress in every direction. The revolution of administration and the stability of economics have made Formosa as a beacon shining into the darkness of the continent. The adequate power of our naval, military and air forces may be regarded as the strongest in Asia for anti-Communism. Once the preparation has been completed the counter-attack operation will be started. On the other hand the Chinese people who live under the regime of the reign of terror of the Chinese Communist bandits and traitors, have already wakened up and have joined in the activity of anti-Communism. The number who are equipped militarily and are in a position to fight against Communism has now increased up to one million six hundred thousand. They strike at the Chinese Communist bandits wherever they meet them and have a life and death struggle with those bandits of Mao. Though the Communist bandits make use of the weapons of terror to do away with the anti-communist elements the power of this armed people has on the contrary, made the anti-Communists stronger and stronger and so the fight goes on, the number becomes greater and greater though they have been mown down.

Although you are living under the most difficult conditions, you are not fighting alohe in the operation. There are in the continent over one million six hundred thousand brave fighters of the nation to support you and numerous numbers of compatriots who do not wish to be slaves to help you, besides the naval, military and air forces in free China to fight on your side. Before long our forces to counter-attack the main land shall join hands with you. It is hoped that you will increase and preserve to the utmost your fighting power in order to prepare for assistance in the counter-attack. Lastly, may I inform all the brave fighters of all the rank and file that, owing to the difficulty of our communication, the government has not been able to send you a great

⁸ A reproduction of the original will be found on page 17.

⁹ A reproduction of the original will be found on page 18.

¹⁰ A reproduction of the original will be found on page 19.

quantity of supplies. But the policy of the government to promote the power of the armed people in the continent to fight against Communism has been fixed. After the national army has fought back to the mainland all the armed forces of the anti-communist organization shall enjoy the same privileges as those enjoyed by the regular army. The families of the fighters who fell in the battle against the Communists shall be compensated by the government. Those who have earned merit in the war against the Communists shall be rewarded by the government. For the sake of saving yourself, your nation and your country and in order to fulfil the secret mission of anti-Communism and resistance to Soviet Russia, you my beloved soldiers of revolution shall be sincerely united together and stick to all the hardship to struggle for the winning of the final victory.

Chiang Chung CHENG
(Chiang Kai SHEK)

Dated 5 January of 40th Republican year (1951)

EXHIBIT 7 (originally exhibit document 15)¹¹

Strictly Confidential

NATIONALIST
EMBLEM

Academy of Anti-Communist and Anti-Soviet Russia
Resistance, Yunnan Province.

Student's Hand Book

No. 1498

Picture of the President

Name — Li Yun Fang

Age — 30 years

Native place — Pao Shan District, Yunnan Province

Term — Second term of the student cadet

No. of student — 1498

Duration of instruction — 9 weeks

Certificate issued to Comrade Li Yun Fang

Li Mi
Principal

Date May of 41st Republican year (1952)

SEAL OF THE ACADEMY

Teaching and advice of the Principal

1. Be always in affection and in consolidation to re-inforce wholly our camp of Anti-Communism.

2. Be self-sufficient for existence only depending upon self.

3. To fight back to Yunnan and together to exterminate the Communist bandits.

4. To re-establish Yunnan and accomplish our mission of restoration of our country.

Cover

Strictly Confidential

NATIONALIST
EMBLEM

Academy of Anti-Communist and Anti-Soviet Russia
Resistance, Yunnan Province.

Student's Hand Book

No. 1257

¹¹ A reproduction of the original will be found on pages 20 and 21.

Picture of the President

Name — Namo Yang Lin

Age — 32 years

Native place — Pao Shan District, Yunnan Province

Term — Second term of the student cadet

No. of student — 1257

Duration of instruction — 9 weeks

Certificate issued to Comrade Namo Yang Lin

Li Mi
Principal

Date (?) May of 41st Republican year (1952)

SEAL OF THE ACADEMY

Teaching and advice of the Principal

1. Be always in affection and in consolidation to re-inforce wholly our camp of anti-Communism

2. Be self sufficient for existence only depending upon self.

3. To fight back to Yunnan and together to exterminate the Communist bandits.

4. To re-establish Yunnan and accomplish our mission of restoration of our country.

Cover

EXHIBIT 8 (originally exhibit document 16)¹²

General Headquarters of the Anti-Communist and
Country Saving Army.

(Substitute for telegraph service, dated 16 January of
41st Republican year (1952))

Subject: Copy of the telegram of Director of the Political
General Department of the Defence Ministry.
(Tzu Keng—date in code)

Address to the 1st Regiment of the First Division

Enclosure:—Nil

Date of issue:—26 January of 41st year (1952)

Serial number:—Chen Tsu No. 0035 stationed at
Monghsat.

To the 1st Regiment of the First Division.

1. Received a telegram from Director Chiang Ching Kuo (Chiang Ching Kuo is the son of Chiang Kai Shek) (Tzu Keng—date in code) of the Political General Department of the Defence Ministry as follows:—

To General Commander Li Ping Jen (Li Mi) and all the rank and file of the whole army. You, under the guidance of the President have already accomplished many achievements. I take this opportunity of the spring festivity to express my deepest concern about you. The Communist bandits have not been exterminated as yet and our compatriots are waiting for salvation. Our responsibility is mounting as the days go by. It is to be hoped that all of you will be deep in your confidence and I uphold your burden disregarding the insult that you have to bear so that you may struggle to accomplish more brilliant achievements. Wishing you earlier victory and a happy new year.

Your younger brother
Chiang Ching Kuo

2. Telegram for your information and to be circulated to all the rank and file under you. Li Mi Chao Yu (Tzu Chein—the date in code) Seal of the Political Section.

Seal of

Yang Yun CHING
Custodian of the seal

¹² A reproduction of the original will be found on page 22.

EXHIBIT 9 (originally exhibit document 17)¹³

6180 REGIMENT ORDER

Subject: Issue of scheme of co-operation for existence of the small groups undertaking operation.

Addressed to:—The 28th Battalion of 3074.

Documents enclosed: 2

Dated:—30 May of 41st year (1952)

No:—Chin Ma Li 0151

Place of issue: Monghsat

1. A scheme for organization of co-existence and co-operation for small groups under guerilla warfare training has been received from Chief of the Staff, dated (?) April of this year under No "Mao" 0469 and is now handed down for observance.

2. On receipt of this instruction the work of organization is to commence forthwith. In those units which have no director of political workers the work is to commence and supervision is to be done by the Commanding Officer of each unit, who is to report on the result of the work of organizing.

3. This is to be complied with and circulated to all the subordinate units.

4. This document has been sent to the Anti-Communist Academy, headquarters of every battalion, and every unit of the independent group for information.

Teng Chin CHIN

Acting Commander of the Regiment

Yang Yun CHING

Custodian of the seal

DEFENCE DEPARTMENT INSTRUCTION

"Mou P'u" No. 0469 April 41(1952) at Taipeh
Abstract: Circulation of the scheme for co-existence and co-operation for small group under training for operation in guerilla warfare.

1. The scheme to organize co-existence and co-operation of small groups under guerrilla training is now published and circulated. It shall take effect from the month of April of 41st year (1952).

2. For compliance.

3. This document is forwarded to every independent detachment of the guerilla units. Copies are to be made and sent to the 1st, 2nd, 3rd, 4th groups of the 1st and 5th offices of land workers branch and the 1st, 2nd, 3rd, 4th, 5th, 6th and 7th groups of Chief Political Department.

Chou Chih Jou¹⁴

Chief of the General Staff

SEAL OF CHIEF OF THE GENERAL STAFF

"B" CLASS PUBLICATION

Scheme for organising and training of small groups of guerillas

Article 1: This scheme is drawn up in order to promote the fighting ability among the members of the guerillas and the organizing of small groups under guerilla training (hereafter to be called the organization).

¹³ A reproduction of the original will be found on pages 23 to 27.

¹⁴ Chou Chih Jou is the Chief of General Staff and Chief of Air Staff at Nationalist headquarters, Formosa.

Article 2: The subjects of training under this organization are as follows:—

I. *Morale*

(a) Who has the highest spirit for fighting.

(b) Who is the bravest at the time of fighting.

(c) Who is most calm and composed at the time of fighting and quick-witted.

(d) Who can render the most aid to his comrade in the battlefield.

II. *Fighting ability*

(a) Who is most skilled in musketry and grenade throwing.

(b) Who can inflict most casualties on the enemy and who can capture the greatest number and most valuable war materials.

(c) Who expends the least ammunition.

(d) Who can shoot with the best effect in the firing line.

III. *Study by experience*

(a) Experience on the battlefield (including the actual fighting experience of each individual, every platoon, every company and every battalion).

(b) Study the conditions under which the success of a certain operation is achieved and also the reason why defeat is suffered.

(c) Appreciate the gain and loss in an operation.

(d) Appreciate the ability and morale of the enemy troops at the time of fighting.

(e) To make proposals for improvement and rectification.

Article 3: This organization is formed from the smallest unit. The head of the unit shall be the head of organization.

Article 4: Discussion in the form of conversation or any other means should be held when relaxing or having meals after an encounter on the field. There shall be discussion about the matter of bravery and about the superiority of the fighting ability and other experiences gained on the battlefield for the benefit of the comrade of the organization. The summary of the talk shall be put before the meeting for studying by the larger group for discussion and study.

Article 5: The larger group shall hold a meeting three days after completing an operation to discuss the operation. The head of each small group shall participate in the meeting. The head of the larger group shall be the Chairman. After a thorough discussion the summary shall be submitted to the higher authority for reference.

Article 6: Every detachment after an operation shall hold a meeting to discuss the summary of the discussion of the larger group and then make a general conclusion for circulation among the larger group for reference.

Article 7: This scheme comes into effect from the day of publication.

Scheme for organizing small groups to co-operate for existence among the soldiers of the guerilla troops.

1. In order to enhance the unity of the guerilla troop and promote their quality to enable them to adapt themselves to the environment and struggle for existence, this scheme is drawn up for organizing small groups to co-operate for existence among the soldiers of the guerilla troop (hereafter to be called the small organization).

2. The organization is as follows:

(a) The larger group shall be the unit. There shall be no formation above the larger groups.

(b) There shall be a sub-committee of co-operation for existence established in the larger group. The political instructor, the vice chief of the larger group and the heads of sub groups shall be the committee members of instruction. The political instructor shall be the chairman.

(c) In every platoon there shall be a sub-organization of co-operation for existence and the head of the platoon shall be the head of the sub-organization.

3. Co-operation for existence.

(a) During ordinary time:

(i) The instructive committee shall teach the soldiers on their spiritual living and on the mode of good living, and also about humanity and to practise love and sincerity so as to live in harmony.

(ii) The sub organization of co-operation for existence shall mutually give good advice and point out each others faults, help each other in study, help each other in difficulty and look after each other in sickness.

(b) (i) At the time of fighting the veterans shall look after the new soldiers and the new soldiers shall pay respect to the veterans advancing together and retreating together in uniform action.

(ii) If there is food it should be eaten together; if there is water it will be drunk together; if there is happiness it is to be enjoyed together; if there is hardship it is to be borne together.

(c) During extraordinary time.

(i) At the time of advance the one who knows the topography shall look after those who are not acquainted with the route in the surrounding area.

(ii) At the time of hiding the local soldiers shall look after the soldiers that come from other villages, the soldiers who have more relations than other soldiers shall look after those who have none.

4. The instructive committee shall hold a meeting once a month to study the necessary instruction for the living of the soldiers. The political instructor shall convene the meeting and also be the chairman.

5. The heads of the sub organizations shall hold a meeting once a month to study the state of affair of co-operation and matters for improvement. The political instructor shall convene the meetings and be chairman of the meetings.

6. The sub organization meeting and the sub organization for studying ways of living shall hold joint meetings to study the state of co-operation and to give criticism. For major problems it shall be reported to the instructive committee for disposal.

7. This scheme takes effect from the day of publication.

EXHIBIT 10 (originally exhibit document 19)¹⁵

OFFICIAL LETTER OF THE 1ST DIV: PEACE CORPS OF PUBLIC PEACE OFFICE. YUNNAN KENG WAI CHIAO NO. 009

(1) This Army is the Army of the Great Nationalist Peoples' Republic of China and is under direct command of President Chiang and Chairman Li.

¹⁵ A reproduction of the original will be found on page 28.

(2) This Army is being ordered to station along the Nam Kha River to prevent the Chinese Communist Dacoit Army from attacking the south and also has the duty of protecting the borders of your honourable country.

(3) Your Government and my Government are members of the United Nations, having good diplomatic relations and good friendship between the people of the two nations.

(4) This Army has the highest respect for the sovereignty of your country and has the most friendly attitude towards your people. Therefore it will not create any disturbance in its movement. This Army shall not take anything at will from the people, not even a blade of grass or a piece of wood.

(5) Your Army is a friendly army of ours. It is hoped that we can join and work together amicably. We shall always pay our highest respect to your local government.

(6) Our Army has specially deputed Major-General Tung Meng Wu, Staff Adviser, accompanied by Li Che Chang, an attaché, to arrange for liaison between the two Armies and to express our sincerity. Hoping that an interview will be given to them for negotiation. Result of the negotiation may be conveyed to us.

To: The Mong Ping Government:

Pu Ching YUN
Major-General
Divisional Commander

Nationalist Era 24-8-40 (1951)

Seal of the 1st Peace Division, Yunnan.

EXHIBIT 11 (originally exhibit document 21)¹⁶

To: Lee Huan WEN

This is to inform you that your letter was received at this headquarters on 13 February 1941 but was unable to reply to you as President Li had not yet returned from Formosa. There will be some change in the appointment of Staff officers at this headquarters when President Li returns. As regards the supply of arms for your new recruits it will be arranged as soon as we receive them. We are expecting some fresh supplies by air this month.

Please try hard to collect more recruits and this headquarters will arrange to send some of the educated men to the Academy at Mongyawng.

Han Yu CHI

SEAL OF HQ 26TH ARMY

Dated 14-2-41 (1952)

EXHIBIT 12 (originally exhibit document 23)¹⁷

To: Elder brothers Chi Chai, Chi Seng, Wei Lin, Swee Wu, Sin Chuan, Kuo Ho, Ching Tung, Hwee and Foo Chun.

It is very long since I took leave of you all. I hope everything is fine with you. I must thank you for all the copies of the first number of the Freedom Daily newspaper sent through via Kengtung. They reached me all right, please don't worry about it. Your spirit and courage in working for the cause of our country and people are to be greatly admired. Mr. Lu Lae has already been engaged as sub-editor, I am sure you all in Rangoon will be glad to assist him as much as you

¹⁶ A reproduction of the original will be found on page 29.

¹⁷ A reproduction of the original will be found on pages 30 and 31.

can. I regret to say that when Wei Lin and Kuo Ho came to Kengtung I could not have the opportunity of meeting them as it is a pity I had to go to the front. Some time ago I sent correspondence care of instructor Mr. Lo of Gai Sin Piao Pang (musical club), I wonder if it has been received.

Now the National Army in Yunnan has already started the operation of counter attack. So far it proceeds rather smoothly. This though is a sporadic engagement of the counter attack on the mainland; the "paper tiger" of the Red Chinese has already been pierced through and as our army advances many of the Communists have come over to our side. Recovery of the Province of Yunnan will take place before long. *Supply of arms and ammunition and uniforms has been trans-shipped by air from Formosa for the first time.* When any aerodrome has been repaired the plan of full operation on the enemy will be carried into effect. When the time has come your paper will be informed with good news for you to publish a supplementary sheet and I hope I shall be able to work for your paper.

When you all have time in Rangoon will it be possible for you to organize some sort of comfort movement so as to encourage and increase the morale of our troops? In the rainy season what will be useful to our army will be soap, rubber shoes and towels. Some time ago the overseas Chinese in Thailand had collected a quantity of these things and sent them over here by air. The quantity is not enough for distribution. It is to be regretted that the problem of communication is hard to solve. However, I am sure you all will try your best to send us a quantity of these things. With your reputation and your position a great response will be given by the general public once you set the ball rolling. Should this request be complied with by you it is hoped that the work would be started straight away. It would be excellent if it reach here before the rain. *This army has established a training school to train workers militarily and politically. We would like you to send us candidates for such training as many as you can find.* When recovery has been made in the mainland the army will push forward but persons in the rear with ability to administrate will be urgently required. The ideal personnel for such work will be those who can administrate and those who also have a good military knowledge. Obviously, personnel with such qualifications will be highly appreciated.

Is the Ta Lu singing troupe still in existence? Please engage some of those who can teach military songs and send them here. For such help we shall be very grateful to you. *If the students of the Chung Tuck High School are not afraid of the hardship of military life and are willing to take up work in the army they are welcome. Can Mr. Kan Shin the headmaster try to work it out. We are very anxious to train his students to be offensive for the work of taking over the administrative work.*

If your paper is not working at a loss please send more copies for the troop at the front to read. When they are in the midst of shower of bullets a cigarette or a copy of a newspaper nearby will be a great comfort to them. How is brother Tsu Chi? Is he all right? I hope he will be able to come over here to help the work for the smooth running of administration. Wang Hun of the Central Daily News is working under old Li in a certain place in Yunnan. There is not a third person belonging to the journalist circle serving in this kind of work. It is hoped that brother Tsu Chi will not miss this opportunity but come together with some friends over here to work together for the great cause.

Hoping to get a reply from you soon and wishing you all in good health.

Your younger brother,

Pei FENG

5 July a place in Yunnan.

N.B. Please excuse me for not writing to you all one by one. My address: care of Min Seng Medical Hall, Kengtung. Regarding the matter which was entrusted to me by elder brother Cho Chai I had already sent a special letter, because I have been ordered to accompany the army to carry out certain work and I was unable to go to Formosa.

Please ask brother Swee Wu to send me a copy of photo taken at the Ning Nyang Hmi Kuan for a souvenir.

EXHIBIT 13 (originally exhibit document 22)¹⁸

(Substitute telegraphic service)

6180 Regiment

Addressed to: A Unit of 3074 Regiment

Document enclosed—Nil

Dated 9-7-41 (1952)

No. — Chin Ma Li / 0178

Place of issue — Monghsat.

1. It has come to be known that the transfer of political workers of every section of the Army has been made before consulting the political department and its consent obtained. The transfers were made by the commanders of each section at their own discretion. This has happened frequently. It affects the extension of the work of the political workers a great deal.

2. *At present the Director and Assistant Director of the political department have not returned from Formosa where they were sent for training, and some of the political units are without political workers in charge. The temporary regulation will be that when any political worker is to be promoted or transferred, it must be reported to the selection board and the political department for its decision. Hereafter no transfer or promotion shall be made at will to avoid complication in the personnel of the political workers.*

3. Besides communicating this for information, all units under your section will regularize accordingly.

4. Circulation to be made to every unit under the Regiment.

5. Copy has been forwarded to the Staff Office of this headquarters.

Tung Chia CHIU
Acting Commander

Duly complied with.

Chang Chai JEN

16-7-41

EXHIBIT 14

No. BL/L

Office of the Kawthulay delegates
to Gen. Li Mi's headquarters

Dated Monghsat, 7-2-53.

To: General Li Mi

Subject: Small arms training

¹⁸ A reproduction of the original will be found on page 32.

Three Europeans have made the following suggestions in order to improve training of officers and students.

The following subjects must be taught:—

(1) *Political subjects*:—They must be made to understand the present day Communist doctrines—Political science—Interest in the present training in order to gain the knowledge how to combat Communists everywhere. Discipline in the Army as a necessity.

(2) *Physical training*. Obstacle track must be laid out and students put on exercises to overcome all these obstacles. It will improve their self confidence, stamina and health.

(3) *Visual training*. Dummy tanks, villages and any

gun emplacements, other important models to be built and students given exercises to judge the distance and how to shoot at the targets when they are moving, and the weak spots to hit on particular vehicles. These exercises will help them to use their eyes more than their ears. It will be easy for them to remember what they were taught. It will also increase their interests in subjects taught.

Submitted for information and remarks.

Saw Ohn PE

Major-General

Leader, Kawthulay Delegation

7-2-53

Ex D 3

王

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光

著

美

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文

心

D.366/52

煤煤石：素函志。查王士金在交通部时做做做

各方玉楚来脉，彼即携台於一枚及公物一袋，记故不素。

弄帮助他人工作，不候离去，碍索逃是，亦印密系。

归天，携索之松物，由而等使用，必孔有不候而携。

常有公物潜逃者，均一律於斃，决不宽贷。

此金黄可步由子甲也，何友人借用，容没归还，弄获柱志。

法，弄人言经济，当未则素，只育自己没没也。

... 事项，希印一体照办。

一切高... 弄放胆辞去，恐先... 决是... 任何... 重...

... 印收

... 十一

證明書

蘇有年部

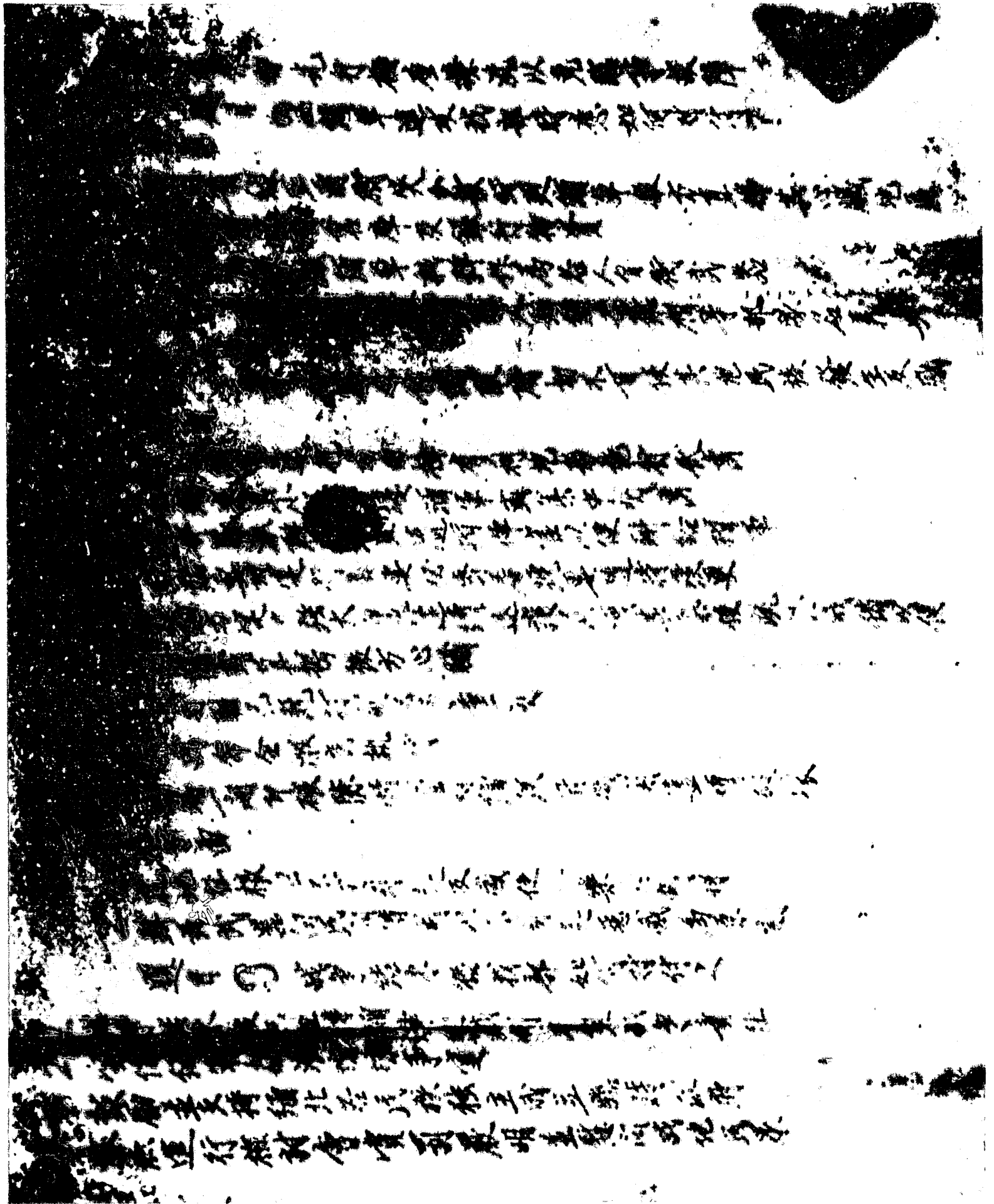
等鈞自志前至公既治保公轉款市

各友軍予以方便並賜協助為荷

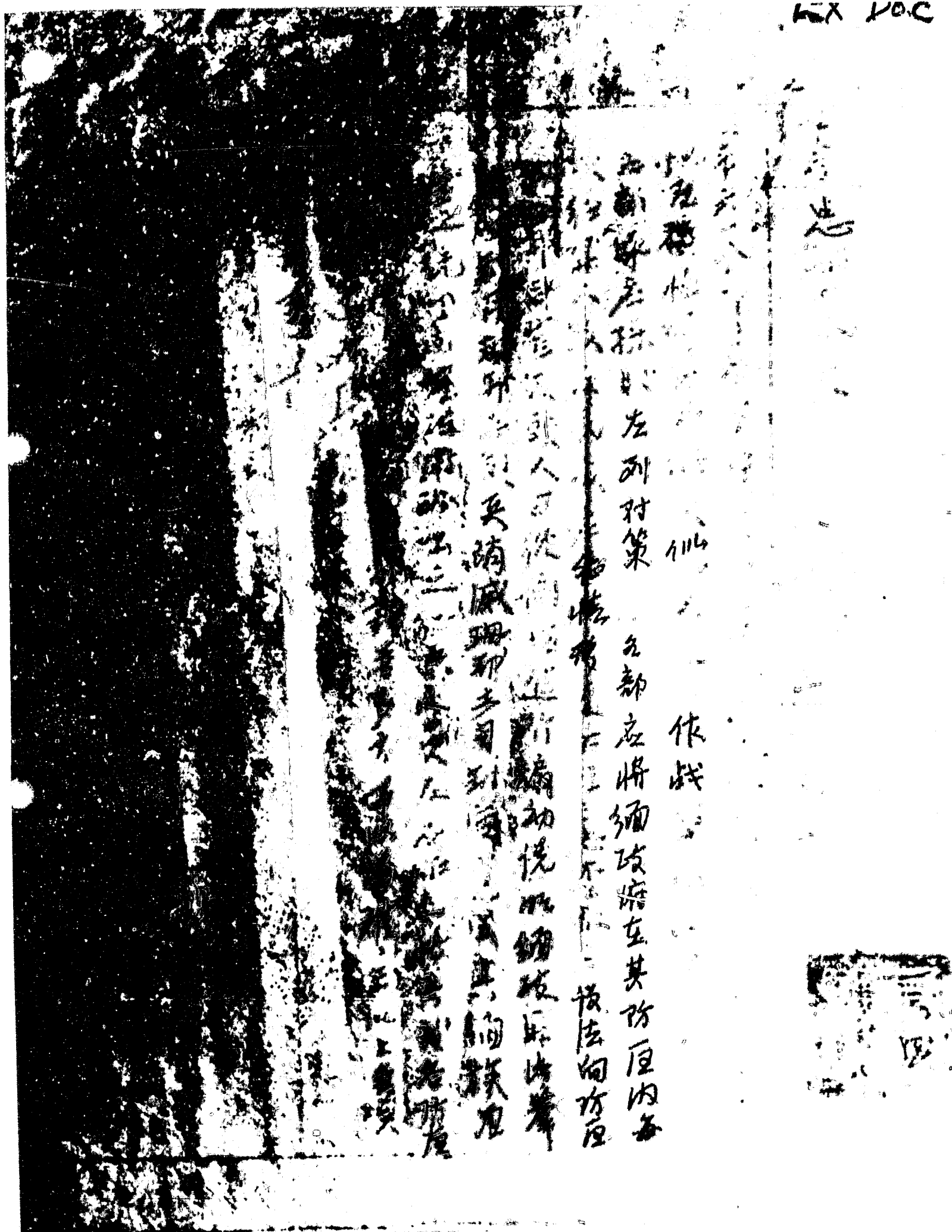
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部屬表

蘇有年



KX KOC 4



Ex Doc
4A

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 十... 民國...

Ex-Doc 5

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Ex Doc 6

李主任並轉駐滇的國軍全體將士們，地方

過去兩年是我們中華民族最黑暗的時候，前年一月我引退以後，中共匪黨在饒幸淪陷，許多軍廉解恥的文武官吏，屈辱投降，高舉青天白日的旗幟，與強大的匪軍謀，發揚了中華民族的正氣，保全了革命軍人的名譽。中華民族寫下了可歌可泣的光榮歷史，而且給全國同胞指示出一條光明的大道。去年三月，我為順應全國人民的要求，為加強全國反共的戰鬥，與全體愛國同胞和志勇將士，共同負起反共抗俄的責任。

一年以來，我們復興基地——台灣，各方面都有了顯著的進步，政治經濟，我們台灣成為大陸同胞黑暗中的明燈，而我們陸海空軍力量之充實，可以說是在這紛紛參加反共運動，有組織的人民武裝反共力量，已經發展到一百六十餘萬，對於行着生死的鬥爭。共匪雖然用恐怖的手段來摧殘人民的反共運動，而人民的武裝反共力量，反而愈剿愈多，愈戰愈強。

在這種情況之下，你們的處境雖然十分艱苦，可是你們所進行的已經不是孤立的戰爭，除了自由中國的陸海空軍，在大陸上還有為數達一百六十萬英勇的民族戰士在聲援你們，有無數不願做奴隸的同胞在協助你們，不久的將來，你們就可以和反攻大陸的將士們會師，希望你們積極保存並充實作戰的力量，作策應大反攻的準備。

最後，我可以告訴我最英勇的反共將士，目前因為交通的困難，政府還不能夠給你們大量的補給，但政府竭力扶助大陸人民反共力量，反共力量是確定了的，到國軍打回大陸以後，一切有組織的反共武裝力量，將一律享受與國軍同等的待遇，一切在反共戰爭中犧牲的將士家屬，都可以得到政府的撫卹，一切在反共戰爭中犧牲的將士，都可以得到政府的獎賞，為了救國家救民族救自己，為了完成反共抗俄的神聖使命，你們必須堅持到底，取得最後勝利。

蔣中正

中華民國三十年一月五日

x Doc 7

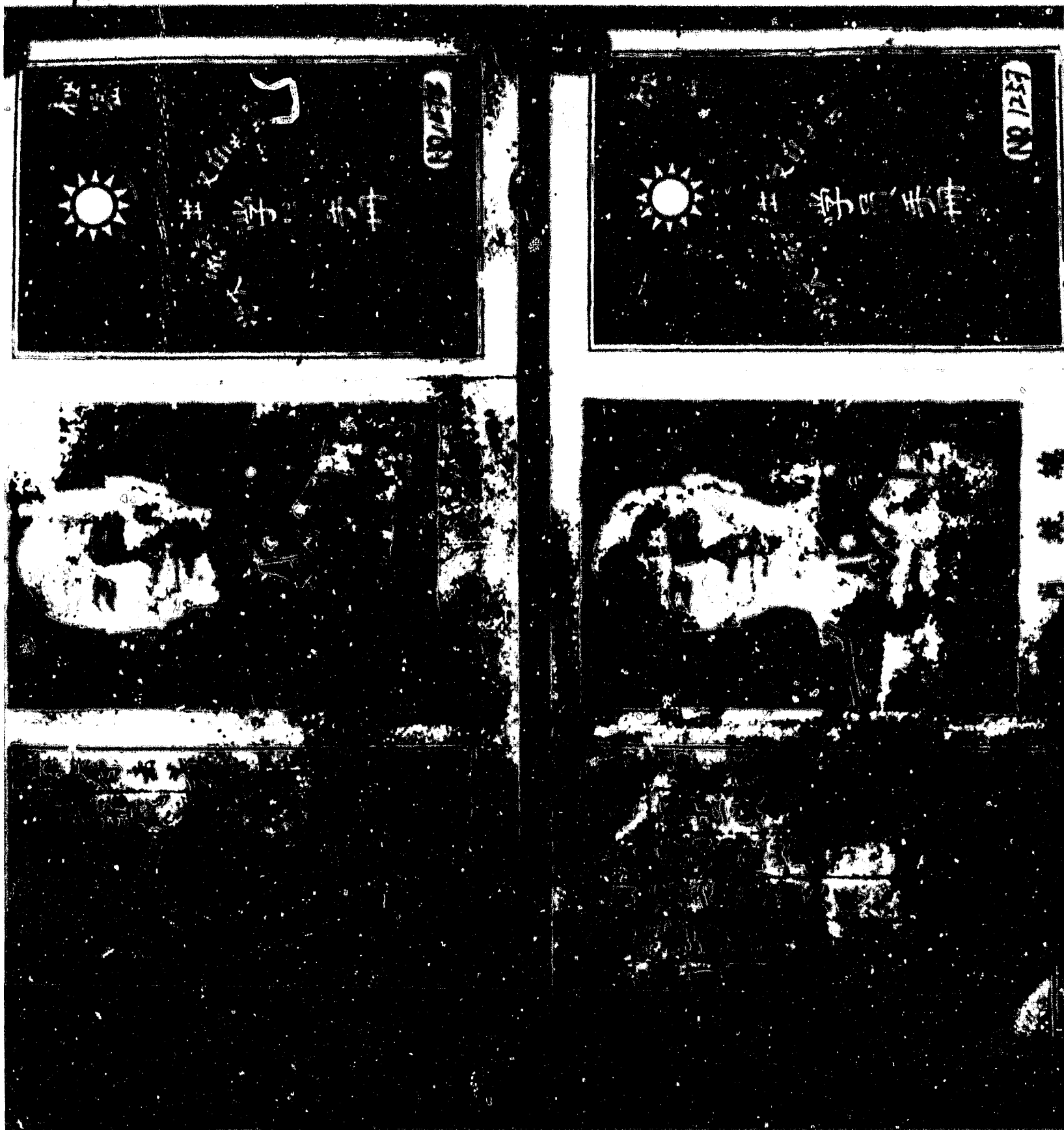


EXHIBIT 7

PIÈCE No 7

PRUEBA DOCUMENTAL No. 7

李彌

校長 李彌

五月

校長訓示

要親愛團結鞏固我們共同反共的陣營

- 一，要自力更生反求諸己
- 二，要打回雲南聚斂匪共
- 三，要建設雲南完成我們復國的使命

右給

楊林 同志

校長 李彌

中華民國四十二年五月

校長訓示

要親愛團結鞏固我們共同反共的陣營

- 一，要自力更生反求諸己
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EX Doc 8

新加坡地學園教

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新加坡地學園教	新加坡地學園教	新加坡地學園教	新加坡地學園教

你一州第一園之頭... 你們在... 我們... 你們... 你們...

(現代)

(16) Ex Doc 9

(令訓) 隊部 〇 八 一 六

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<p>一、奉 國防部參謀總長周本任四月 日發善字第〇四六</p> <p>九號訓令頒發「游擊部隊戰鬥學習小組生活互助</p> <p>小組組織辦法」茲轉頒發實施。</p> <p>二、務於文到日起即開始實施各級如無政工主管者則</p> <p>暫由各級部隊長負責督導組織并將實施情形</p> <p>具報。</p> <p>三、仰切實遵照并飭屬遵照。</p> <p>四、本件發至反共大學本部參謀處各支隊(團)獨立</p> <p>大隊以上單位。</p>	3074	<table border="1"> <tr> <td data-bbox="1685 1426 1780 1660">日期</td> <td data-bbox="1494 1426 1685 1660">學號</td> <td data-bbox="1399 1426 1494 1660">文</td> <td data-bbox="1399 1660 1780 2304"> <table border="1"> <tr> <td data-bbox="1685 1660 1780 1824">民國</td> <td data-bbox="1494 1660 1685 1824">金身</td> <td data-bbox="1399 1660 1494 1824">勤</td> </tr> <tr> <td data-bbox="1685 1824 1780 1989">六月</td> <td data-bbox="1494 1824 1685 1989">樓</td> <td data-bbox="1399 1824 1494 1989">勤</td> </tr> <tr> <td data-bbox="1685 1989 1780 2154">廿五</td> <td data-bbox="1494 1989 1685 2154">樓</td> <td data-bbox="1399 1989 1494 2154">勤</td> </tr> <tr> <td data-bbox="1685 2154 1780 2304">日</td> <td data-bbox="1494 2154 1685 2304">樓</td> <td data-bbox="1399 2154 1494 2304">勤</td> </tr> </table> </td> </tr> </table>			日期	學號	文	<table border="1"> <tr> <td data-bbox="1685 1660 1780 1824">民國</td> <td data-bbox="1494 1660 1685 1824">金身</td> <td data-bbox="1399 1660 1494 1824">勤</td> </tr> <tr> <td data-bbox="1685 1824 1780 1989">六月</td> <td data-bbox="1494 1824 1685 1989">樓</td> <td data-bbox="1399 1824 1494 1989">勤</td> </tr> <tr> <td data-bbox="1685 1989 1780 2154">廿五</td> <td data-bbox="1494 1989 1685 2154">樓</td> <td data-bbox="1399 1989 1494 2154">勤</td> </tr> <tr> <td data-bbox="1685 2154 1780 2304">日</td> <td data-bbox="1494 2154 1685 2304">樓</td> <td data-bbox="1399 2154 1494 2304">勤</td> </tr> </table>	民國	金身	勤	六月	樓	勤	廿五	樓	勤	日	樓	勤
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廿五	樓	勤																		
日	樓	勤																		

兼部隊長 董家仇



國防部訓令

提 要

頒發游擊部隊戰鬥學習小組
法由

一、茲頒發游擊部隊戰鬥學習小組生活互
一年四月份起實施

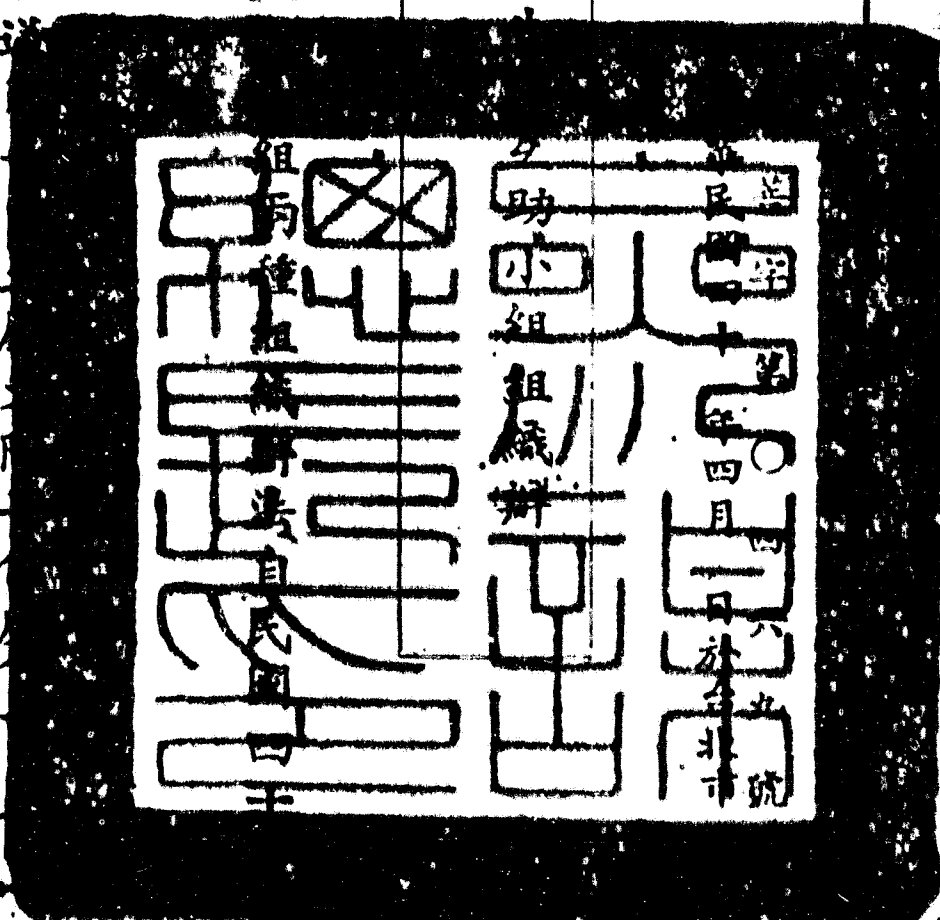
二、仰各遵照

三、本件發至各游擊部隊獨立支隊副本抄送
三、四組）總政治部（一、二、三、四、五、六、七組）

參謀總長 周 至 柔

乙種發行

第一一頁



游擊部隊戰鬥學習小組組織辦法

第一條 爲增進游擊戰士作戰技能起見，特訂定戰鬥學習小組（以下簡稱本小組）組織辦法。

第二條 本小組研究學習事項如左：

一、精神方面

1. 誰的戰鬥情緒最高。
2. 誰在作戰時膽量最大。
3. 誰在戰鬥中最沉着，最機警。
4. 誰在戰地上能照顧鄰兵。

二、技術方面

1. 誰在戰鬥中射擊準確。
2. 誰在戰場上殺傷敵人最多，和繳獲最有價值的戰利品。
3. 誰作戰最節省彈藥。
4. 誰的火線喊話最好。

三、經驗教訓

1. 戰場經驗（包括各個及班排連戰鬥實地經驗。）
2. 檢討某次戰役勝利條件是什麼？或失敗原因在那裡？
3. 檢討戰鬥的收獲和損失。
4. 分析敵人的作戰技術和戰鬥情緒。
5. 建議那些地方應當改進。

第三條 本小組就戰鬥最小組位之班編成之，並以班長為小組長。

第四條 每次作戰於脫離戰場後，在休息或進膳時，即以談話會方式，（不拘形式）從事討論，除將英勇事蹟，優良技能，經驗教訓供本小組各同志觀摩外，並將談話結果，提供中隊戰鬥檢討會討論。

第五條 各中隊於戰鬥結束後三日內，應召開戰鬥檢討會，班長以上參加，由中隊長擔任主席，切實檢討並將結論層轉上級參考。

第六條 各支隊應於每次戰役後，根據各中隊戰鬥檢討會議結論，作成戰役總結，分發各大中隊參考改進。

第七條 本辦法自公佈之日施行。

游擊部隊官兵生活互助小組組織辦法

一、為使游擊部隊官兵在艱苦環境中，能適應環境，求得生存發展計，特訂定游擊部隊生活互助小組（以後簡稱本小組）組織辦法。

二、本小組之組織如下：

- 1. 以中隊為組織單位，中隊以上不設小組。
- 2. 中隊部設生活互助指導小組，以政訓指導員為小組長，由中隊長為指導員，各班長為指導員，各班長為指導員。

3. 每一班為一生活互助小組。

三、生活互助事項如下：

- 1. 平常時：
 - (一)指導小組指導員，應隨時注意各班生活互助事項。
 - (二)生活互助小組成員，應隨時注意各班生活互助事項。

2. 作戰時期

(一) 老戰士

(二) 有敵大

3. 非常時期

(一) 傳進時

(二) 潛伏時

四、指導小組每月開會一次，對村對戶生活困難問題進行調查，由政工員

五、小組長聯席會議每月開會一次，檢討互助情形與改進事項，由政工員

六、小組會議與生活互助小組會合併舉行，對生活互助情形，予以檢討批評，

七、本辦法自公佈之日施行。

Ex 108

(2)

雲南綏靖公署保安第一師公函

景外文字第零零九號

(1) 本軍是大中華民國國民政府的軍隊，直接受蔣大總統和李主席指揮。
 (2) 本軍奉命駐防南卡江一帶，是防止中共匪軍向南進犯，并有保障貴國邊境的任務。

(3) 貴我兩政府均是聯合國的會員國，邦交素睦，兩國人民極相友善。

(4) 本軍對貴國的主權，絕對尊重，並對貴國人民更抱友好的態度，決無騷擾的行動，人民草木，本軍決不擅取。

(5) 貴軍是我們的友軍，希望能夠親愛合作，貴地方政府我們絕對敬重。

(6) 本軍特派少將參議佟孟五率隨員李緒昌前來聯絡，表達本軍誠意，希賜予接見，并與商談，請將商談結果來函答覆為荷。

此致

孟丙政府

少將師長 甫景恆

中華民國四十年

八月

廿九

日

Ex Doc

(函公)部令司軍六十二第軍陸

事由 敬受

李漢文

發 文

附 日 期 號 址

民國四十年二月十四日 第一〇一號 於嶺撤

你的來函已在本月十三日收到現因李主任
在甘未回所以未能答覆後
李主任回到後現在所有的部隊將有此三
步更調
所需供給你的新兵的軍火總部在收列之
後會馬上就發到現有一批新軍火大概可在這
月底由空運到
請盡量招請新兵總部將會調些有學問的
人材到編中央軍事學校

韓有志

勁 風 報 社

仰 光 瑞 法 七 十 七 號

KIANG PHONE PAO,

70, OLIPHANT STREET, RANGOON.

Ref:

Dated

195

然采芝生林瑞五君與國和事加... 仰光瑞法七十七號... 勁風報社...
 前曾善友致執事... 仰光瑞法七十七號... 勁風報社...
 陸河部文及... 仰光瑞法七十七號... 勁風報社...
 投誠中定令... 仰光瑞法七十七號... 勁風報社...
 一度三量... 仰光瑞法七十七號... 勁風報社...
 面致故計... 仰光瑞法七十七號... 勁風報社...
 中必有... 仰光瑞法七十七號... 勁風報社...
 組隊故... 仰光瑞法七十七號... 勁風報社...
 勿膠... 仰光瑞法七十七號... 勁風報社...
 未因... 仰光瑞法七十七號... 勁風報社...
 等能... 仰光瑞法七十七號... 勁風報社...
 及德... 仰光瑞法七十七號... 勁風報社...
 甚... 仰光瑞法七十七號... 勁風報社...

勁風報社

仰光瑞法拉七十七號

KIANG PHONE PAO,

70, OLIPHANT STREET, RANGOON.

Dated

195

時終

本軍設有幹部學校訓練軍政各種人才此誠為多事之始因
 大港既元復後軍中兩道後亦以政一員心應所道故理想之
 政令自以誠意軍中子弟較能故軍政人才皆所歡迎又古語
 詠深莫如當存在法中既後深解教軍政子弟教子弟子弟
 以所感時黨中學堂為能之畏軍中艱苦前事多加多種種
 即表功即辭新校社辦力不我甘息願訓練者口徒為
 接收幹部也

貴報為不虛奉批多知數倍以彼昔軍中前方面報在
 捕彈雨中一手持烟一手執報其後精神風采祖祺先
 王勉先現在真境早地隨太子公此以新界高英
 第三人希禮光為失良枕早日結伴前來共襄大舉
 專此奉達為禱敬溢五頌

弟白鳳於三
 七月五日在真境

通仇者皆指臣之有分也

時終

弟白鳳於三

Ex Doc 13

部 部 0

(醫代)

考文學由事	<p>原撰 皇馬選錄第〇七八號</p> <p>天賦 抄</p>
	<p>西曆一九四一年七月九日</p>

一、查本部隊缺員人員之調動應由部隊長任意調動其職務類此情形時有發生以致影響政工業務之開展甚鉅。

二、查部隊長在政工部正副主任及主任委員等職其政工人員之升遷

前或現無政工主任委員等職其政工人員之升遷

調補須先經該單位人事評議會評議後報部核辦不得任意調升遷以免亂政工人等

體系。

三、除分令外仰請參閱本隊隊務通令。

四、本隊友隊(團)以上單位。

五、到本抄送本部參謀處。

連 照

張 三

兼部隊長 董家 札



EXHIBIT 15: Air photograph of Monghsat airfield taken by the Burma Air Force during March 1952

PIÈCE No 15: Photographie aérienne de l'aérodrome de Monghsat prise par l'aviation birmane au mois de mars 1952

PRUEBA DOCUMENTAL No. 15: Fotografía aérea del aeródromo de Monghsat, tomada por la Fuerza Aérea de Birmania en marzo de 1952

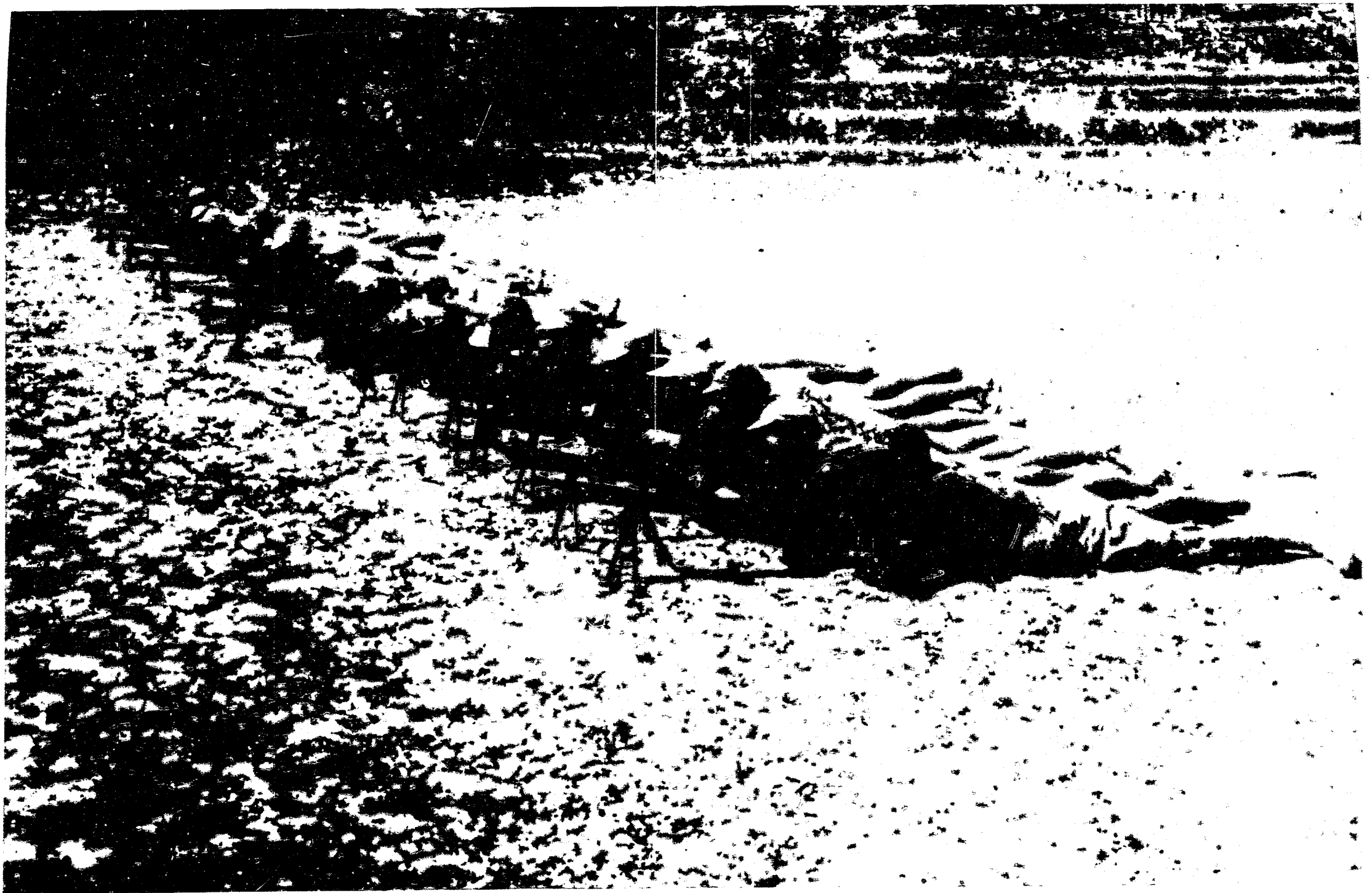


EXHIBIT 16: Photograph of Kuomintang troops undergoing training at Mongnyen training centre during January 1952

PIÈCE No 16: Troupes du Kuomintang à l'instruction au centre d'instruction de Mongnyen, janvier 1952

PRUEBA DOCUMENTAL No. 16: Fotografía de tropas del Kuomintang efectuando prácticas de instrucción en el centro de adiestramiento de Mongnyen, en enero de 1952



EXHIBIT 16A: Photograph of Kuomintang troops undergoing training at Mongnyen training centre during January 1952

PIÈCE No 16A: Troupes du Kuomintang à l'instruction au centre d'instruction de Mongnyen, janvier 1952

PRUEBA DOCUMENTAL No. 16A: Fotografía de tropas del Kuomintang efectuando prácticas de instrucción en el centro de adiestramiento de Mongnyen, en enero de 1952

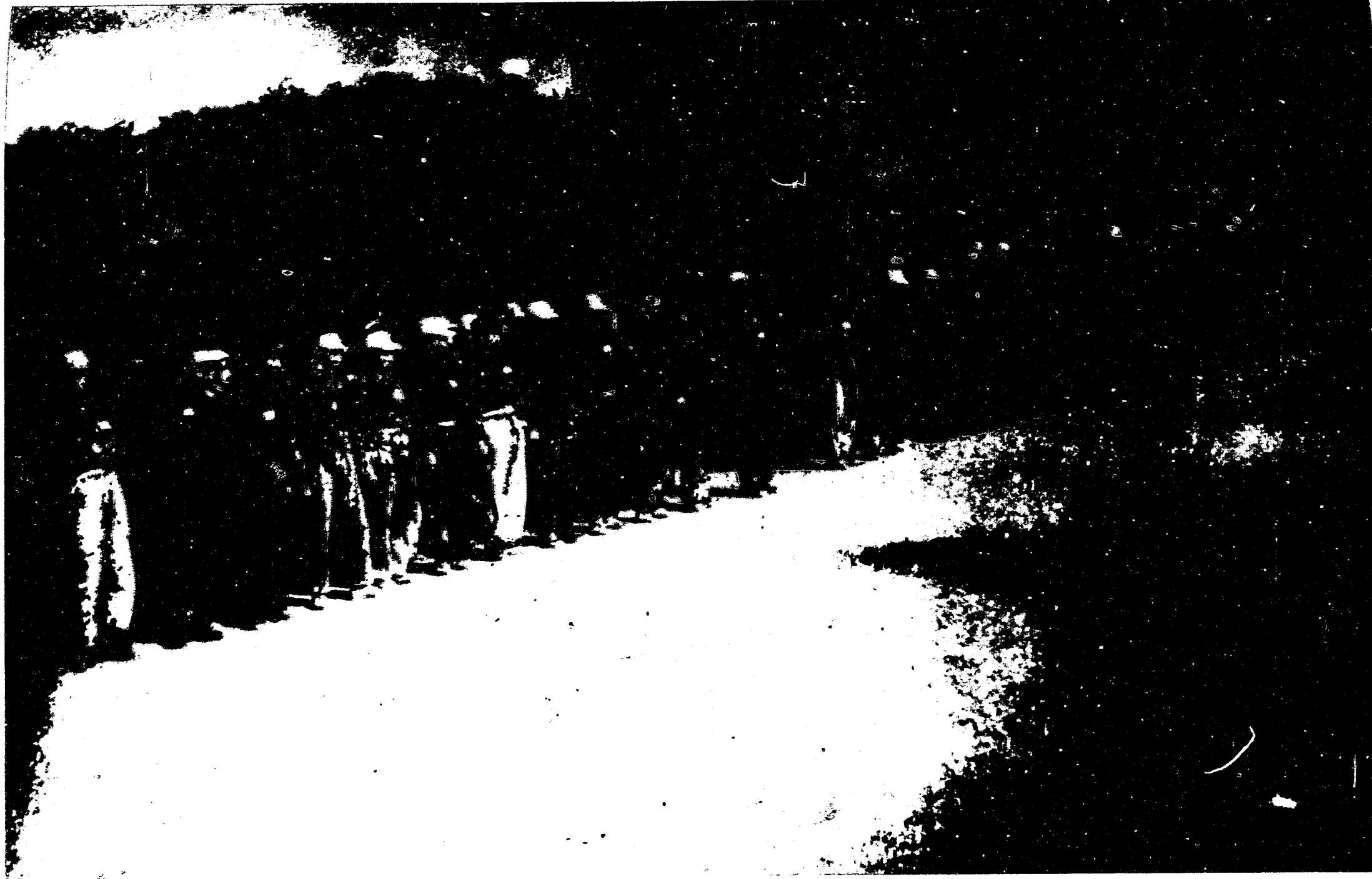


EXHIBIT 16B: Photograph of Kuomintang troops undergoing training at Mongnyen training centre during January 1952

PIÈCE No 16B: Troupes du Kuomintang à l'instruction au centre d'instruction de Mongnyen, janvier 1952

PRUEBA DOCUMENTAL No. 16B: Fotografía de tropas del Kuomintang efectuando prácticas de instrucción en el centro de adiestramiento de Mongnyen, en enero de 1952

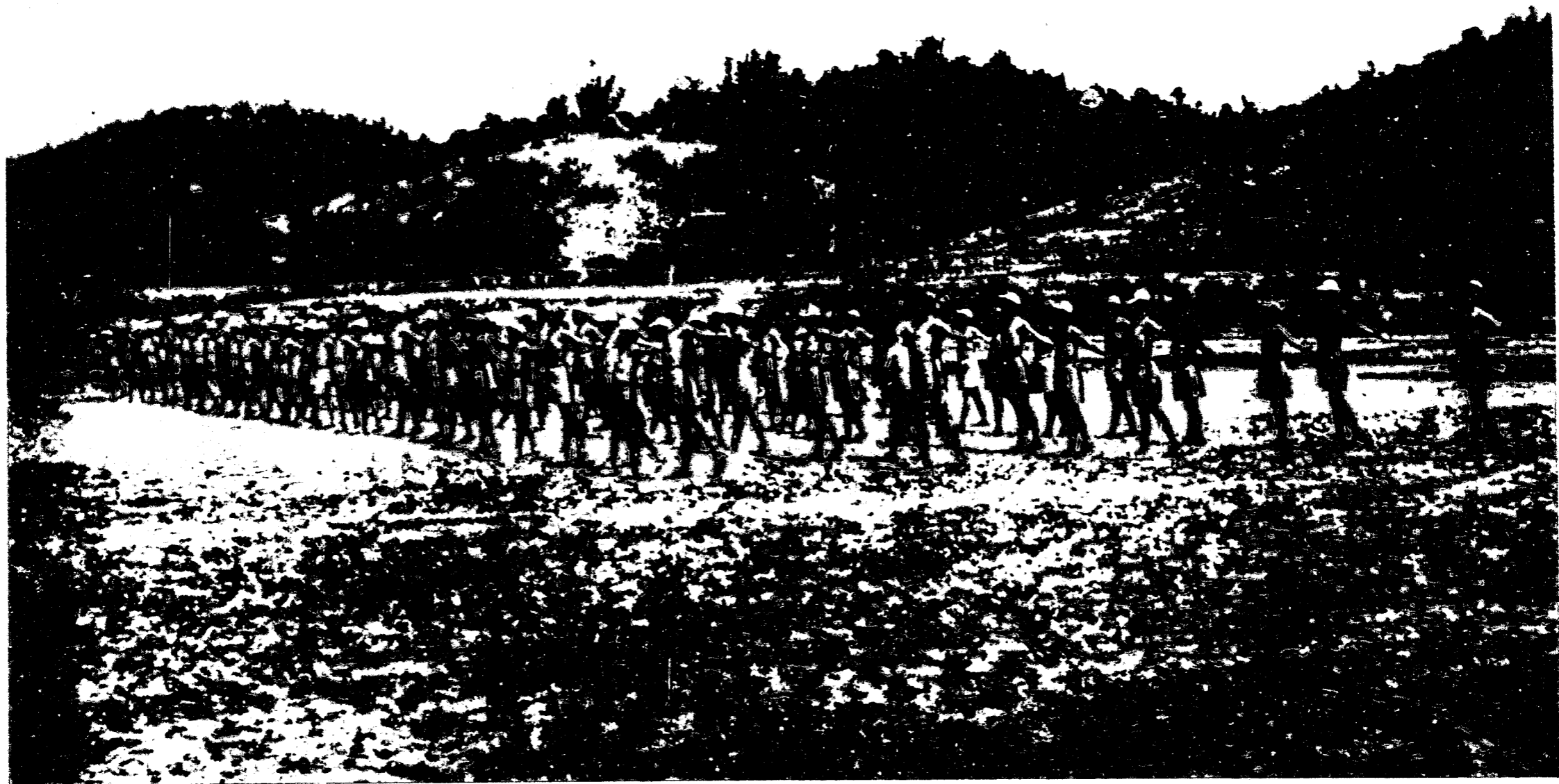


EXHIBIT 16C: Photograph of Kuomintang troops undergoing training at Mongnyen training centre during January 1952

PIÈCE No 16C: Troupes du Kuomintang à l'instruction au centre d'instruction de Mongnyen, janvier 1952

PRUEBA DOCUMENTAL No. 16C: Fotografía de tropas del Kuomintang efectuando prácticas de instrucción en el centro de adiestramiento de Mongnyen, en enero de 1952

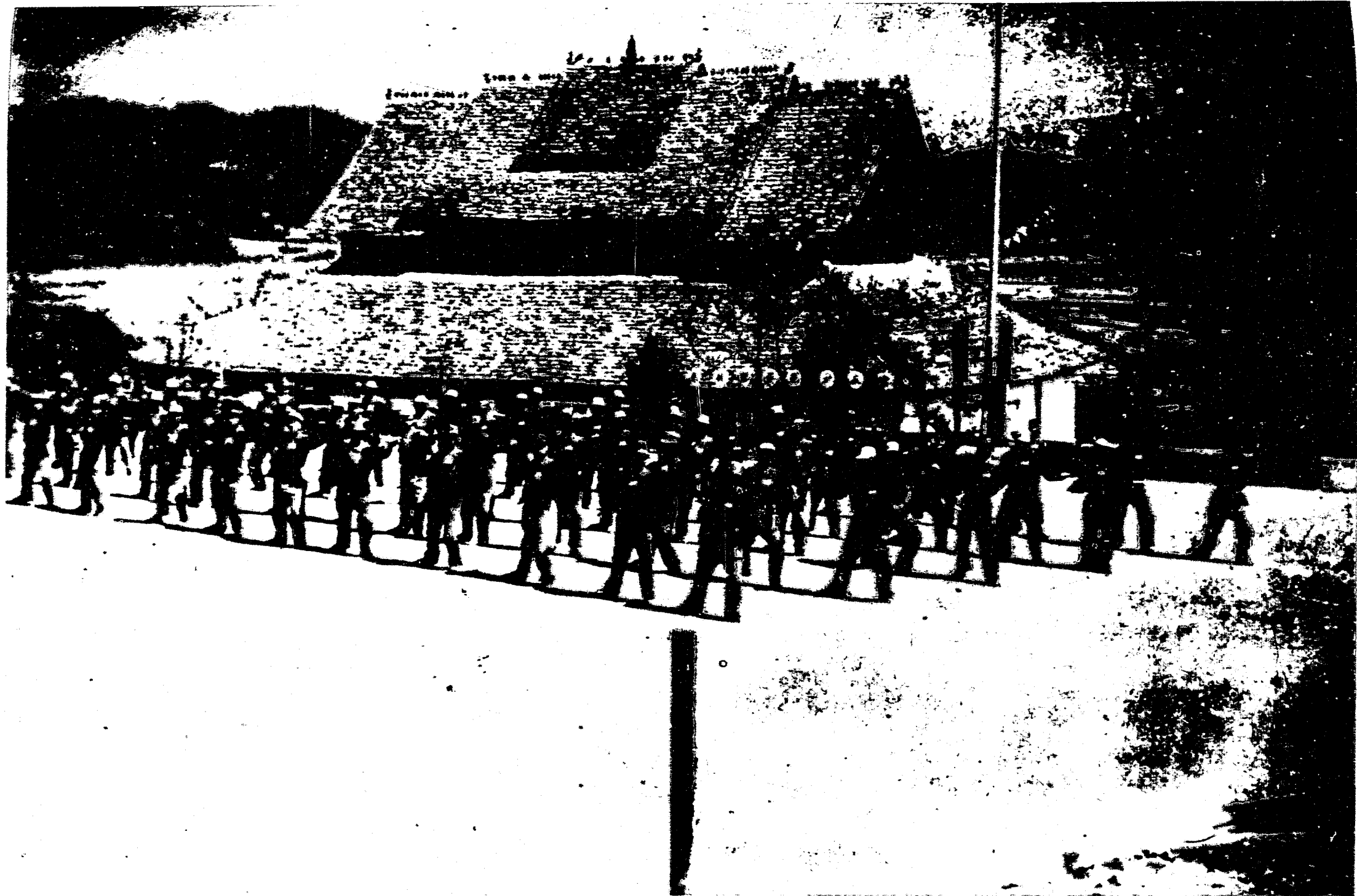


EXHIBIT 16D: Photograph of Kuomintang troops undergoing training at Mongnyen training centre during January 1952

PIÈCE No 16D: Troupes du Kuomintang à l'instruction au centre d'instruction de Mongnyen, janvier 1952

PRUEBA DOCUMENTAL No. 16D: Fotografía de tropas del Kuomintang efectuando prácticas de instrucción en el centro de adiestramiento de Mongnyen, en enero de 1952



EXHIBIT 16E: Photograph of Kuomintang troops undergoing training at Mongnyen training centre during January 1952

PIÈCE No 16E: Troupes du Kuomintang à l'instruction au centre d'instruction de Mongnyen, janvier 1952

PRUEBA DOCUMENTAL No. 16E: Fotografía de tropas del Kuomintang efectuando prácticas de instrucción en el centro de adiestramiento de Mongnyen. en enero de 1952



EXHIBIT 16F Photograph of Kuomintang troops undergoing training at Mongnyen training centre during January 1952

PIÈCE No 16F: Troupes du Kuomintang à l'instruction au centre d'instruction de Mongnyen, janvier 1952

PRUEBA DOCUMENTAL No. 16F: Fotografía de tropas del Kuomintang efectuando prácticas de instrucción en el centro de adiestramiento de Mongnyen, en enero de 1952

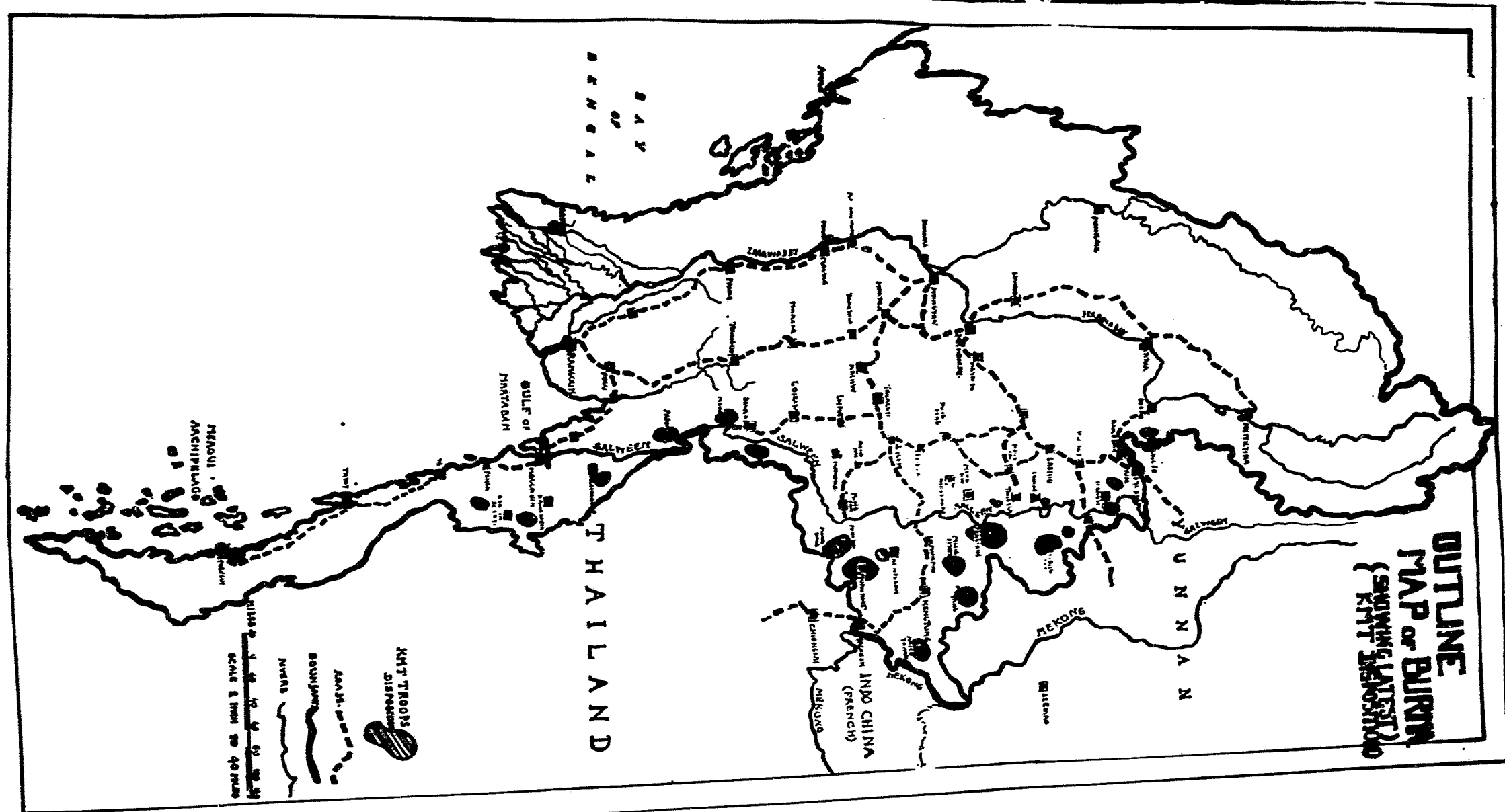


EXHIBIT 17: Outline map of Burma showing latest Kuomintang disposition

PIÈCE No 17: Carte schématique de la Birmanie indiquant les positions des forces du Kuomintang les plus récentes

PRUEBA DOCUMENTAL No. 17: Croquis del mapa de Birmania en el que se señala la última disposición de las fuerzas del Kuomintang

DOCUMENT A/2468

[Original text: English]
[22 July 1953]

**COMPLAINT BY THE UNION OF BURMA REGARDING AGGRESSION AGAINST IT BY THE
GOVERNMENT OF THE REPUBLIC OF CHINA: REPORT OF THE GOVERNMENT
OF THE UNION OF BURMA**

**Letter dated 10 September 1953 from the Permanent Representative of Burma to the United Nations,
addressed to the Secretary-General**

New York, 10 September 1953

Under instructions of the Government of the Union of Burma, I have the honour to submit herewith copies of the Government of the Union of Burma's report on the Kuomintang situation, for submission to the eighth regular session of the General Assembly in accordance with General Assembly resolution 707 (VII) of 23 April 1953.

(Signed) BA MAUNG
for Permanent Representative of Burma
to the United Nations

**REPORT TO THE EIGHTH SESSION OF THE GENERAL
ASSEMBLY BY THE GOVERNMENT OF THE UNION OF
BURMA ON THE PRESENCE OF FOREIGN FORCES IN ITS
TERRITORIES**

1. By a cable dated March 25 1953, the Union of Burma requested that a complaint of aggression against her by the Kuomintang Government of Formosa be placed on the agenda of the seventh session of the United Nations General Assembly.

2. The General Committee, at its 86th meeting held on 31 March 1953, recommended the inclusion of the item with the title changed to "Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China". On the same day at the 420th plenary meeting, the General Assembly included the subject on the agenda of the seventh session.

3. The First Committee considered the item at its 605th to 612th meetings held between 17 and 22 April 1953 and, by 58 votes to none, with 2 abstentions (Burma and China), recommended the adoption by the General Assembly of the Mexican draft resolution as amended by Lebanon and Argentine-Chile. The resolution runs:

"The General Assembly,

"Having examined the complaint by the delegation of the Union of Burma regarding the presence, hostile activities and depredations of foreign forces in the territory of the Union of Burma,

"Considering that these facts constitute a violation of the territory and sovereignty of the Union of Burma,

"Affirming that any assistance given to these forces which enables them to remain in the territory of the Union of Burma or to continue their hostile acts against a Member State is contrary to the Charter of the United Nations,

"Considering that the refusal of these forces to submit to disarmament or internment is contrary to international law and usage,

"1. Deplores this situation and condemns the presence of these forces in Burma and their hostile acts against that country;

"2. Declares that these foreign forces must be disarmed and either agree to internment or leave the territory of the Union of Burma forthwith;

"3. Requests all States to respect the territorial integrity and political independence of the Union of Burma in accordance with the principles of the Charter;

"4. Recommends that the negotiations now in progress through the good offices of certain Member States should be pursued, in order to put an end to this serious situation by means of the immediate disarmament and withdrawal of the said forces from the territory of Burma or by means of their disarmament and internment;

"5. Urges all States:

(a) To afford the Government of the Union of Burma on its request all the assistance in their power to facilitate by peaceful means the evacuation of these forces from Burma; and

(b) To refrain from furnishing any assistance to these forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country;

"6. Invites the Government of the Union of Burma to report on the situation to the General Assembly at its eighth session".

4. The General Assembly, at its 428th plenary meeting held on 23 April 1953, adopted this resolution by 59 votes to none, with only China abstaining. The Burmese representative voted for the resolution in the plenary meeting explaining that though Burma would have preferred her own resolution which sought condemnation of the Kuomintang Government for the acts of aggression, Burma was impressed by the sympathetic and helpful attitude of the Member States and that therefore Burma would identify herself with the resolution which had the approval of all the Member States barring China.

5. The Burmese people hoped that the consensus of opinion expressed in the United Nations would force the Kuomintang troops in Burma to cease their depre-

dations and that whoever was responsible for their presence in Burma would bow to the decision of the United Nations. With the object of facilitating their departure, approaches were made to the American Embassy at Rangoon. Due to the Ambassador's efforts and also the efforts of the American Ambassadors at Bangkok and Taipeh, a four-nation committee composed of representatives from the United States of America, Thailand, Burma and the Republic of China came to be formed. The aim of this Committee was to discuss the means and the procedure of evacuating these troops.

6. At the early stages it was felt that the Burmese and the Chinese representatives should not sit together and therefore it came to pass that separate meetings to accommodate the Chinese and the Burmese had to be convened.

7. On 22 May 1953, the first meeting took place at Bangkok at which the United States Ambassador welcomed the representatives of the United States, Thailand and China. The urgent need for a solution of the problems involved was appreciated by all. The initial stand was taken by Colonel I Fu-de the Chinese delegate that his Government could only use its influence to persuade General Li Mi's troops to go to Taiwan. This repatriation, he said, could only be on a volunteer basis. This stand disappointed the Burmese who regarded it as an unhelpful beginning, especially as it followed in the wake of General Li Mi's press interview with a correspondent of "Time", reported in its issue of 18 May 1953 in which he had stated falsely that Burmese action was inspired by the Peoples Republic of China. His statement that the Burmese Foreign Minister had been to China was also false. Li Mi is quoted as having said, "Rather than evacuate we could still turn into bandits and plunder to stay alive" (annex A).

8. The points introduced at this meeting of 22 May (at which the American representative was elected Chairman) were the necessity of disarmament in Burma of these troops, the question of a cease-fire, the creation of safety zones and the need for the Committee to go to Monghsat in order to persuade the local commanders to evacuate their troops.

9. The first sitting with the Burmese representatives took place on 23 May. The Burmese expressed their readiness to accept in principle the points raised by the Chairman at the meeting of the previous day. On the same day, they submitted their plan for a cease-fire in the Monghsat area and along a corridor leading from Monghsat to the Thai border together with alternative plans of evacuation by road, by air and by road and air from Burma to Thailand.

10. These plans were conveyed to the Chinese representative who, at the meeting on 25 May, reiterated the initial stand that he had taken at the first meeting and in fact elaborated on the theme that Li Mi's troops were not part of the Chinese Army. "In view", he said, "of the fact that the Chinese Government maintained no control over these forces, the Chinese Government may not be held legally responsible for any possible failure to carry out in full the United Nations resolution". He said that he could speak only for his Government and not for Li Mi.

11. Despite this alarming statement which portended no happy solution to the problem, the Chairman put up a draft agreement for the Committee's consideration.

12. Some days elapsed and at a subsequent meeting the Chairman was constrained to remark that, while the Thais and the Burmese had accepted the draft agreement and the Burmese had even furnished detailed plans for a visit to Monghsat and the evacuation of the troops, and the Thais had also furnished detailed plans for the passage through Thailand and beyond, the Chinese had not put forward any concrete proposal. Colonel I Fu-de this time came out with the statement that he could not make decisions for General Li Mi and that he would have to go to Taipeh for instructions. He suggested a cease-fire in the territory East of the Salween.

13. During the time Colonel I Fu-de was in Taipeh the question of a cease-fire was considered. The Burmese could not accept the Salween river as a demarcation line, for among other objections it savoured too much the idea underlying the fixation of the 38th parallel as a demarcation line in another part of the world. The Burmese counter-proposals took the shape of safety zones round Monghsat, Mong Yawng, Mong Yang, Pan Yang and Mong Mao (annex B).

14. On 14 June, bowing to the Chairman's request, the Burmese representatives sat together with the Chinese representatives for speedier disposal of the problems involved. At this meeting Colonel I Fu-de who was expected to come back fully authorized to make decisions, made a statement, which seemed significant to the Burmese, that Formosa would take in only those wanting to go to Taiwan. In regard to the proposed visit of the Committee to Monghsat, he said that he could not guarantee the safety of the Burmese members. He then raised the demand that all Chinese (civilians and military personnel alike) kept under detention for collaboration with Li Mi's troops should be forthwith released.

15. The Burmese representatives naturally expressed their misgivings about Chinese intentions. They felt that the release or continued detention or punishment of civilian Chinese collaborators resident in Burma was a matter which the Committee was incompetent to decide.

16. There were further meetings and by 17 June the Chinese representative had accepted the draft agreement in principle except that he continued to insist upon the inclusion in the agreement of the release of Chinese collaborators. The wrangle went on, but on June 29 the other members of the Committee recorded that it was a matter solely within the competence of the Government of Burma. But actually there was no great divergence of views and if the matter were left to the decision of the Government of Burma it was most probable that a solution would evolve to the satisfaction of all concerned. It was unlikely that the Government of Burma would prevent Chinese refugees willing to leave Burma from doing so, and even in the case of collaborators who had hitherto been law-abiding residents of Burma, once the troops had been evacuated from Burma, their problem would not be difficult of solution. The justice and the reasonableness of the Burmese point of view was apparent to the Chinese representative, but it seemed that he had to keep this question alive under instructions in order to lengthen the talks at Bangkok. The question of the expenses of evacuation was also discussed and by the end of June the prospects of an agreement among the four nations appeared to be bright, for there was really nothing left to wrangle about.

17. It was at this stage that Li Mi's Generals appeared on the scene. They had been requested to come to Bangkok to satisfy themselves of the practicability of the schemes of evacuation put forward. They reached Bangkok about 26 June but made no attempt to see anybody. Unfortunately, by then the United States Ambassador Mr. Stanton had left Thailand and these "jungle" Generals probably did not consider that there was anybody of equal or higher status than themselves whom they could contact without losing "face". As for the members of the Committee, they were merely Colonels and others of lesser rank. Then on 28 June Lieut. General Lee Yu Foo made his press statement (annex C). Another provoking statement was also made in the form of fictitious questions and irresponsible answers (annex D).

18. On 15 July, General Li Mi made a statement that he would not issue orders to his troops to withdraw (annex E).

19. This attitude of Li Mi and his Generals created a stir and since they would not co-operate with the Committee, pressure was exerted on Taipeh, with the result that a deputy of General Li Mi, one General Leigh Wen-pin, was despatched from Formosa (annex F). This General was equally static, and it was learned that he was awaiting translations into Chinese of the proceedings of the Committee. Nothing really has happened since then but Chinese manoeuvres are made apparent by the following news items which emanated from Taipeh:

TOKEN REPATRIATION OF KMTS¹ FROM BURMA

To save Formosa's face in the United Nations

Taipeh, 5 August — A high Nationalist Chinese authority has reportedly decided to effect the repatriation of even a "small group" of Nationalist Chinese troops to Taiwan from Burma in order to protect Nationalist China's position in the United Nations, it is reliably learned here.

Meanwhile, reports here said that Lieut. General Lee Che-fung, one of the deputy commanders under General Li Mi, is now exerting all efforts in persuading Nationalist Chinese guerrillas in Burma to return to Taiwan. — PAN ASIA.

KMT WITHDRAWAL TO BEGIN BY END OF AUGUST

Taipeh (Formosa), 13 August — Chinese Nationalist guerrillas are expected to begin withdrawing from Burma at the end of this month, the Nationalist News Agency *World News* said today.

Delegates from Burma, Formosa, Siam and the United States have been meeting in Bangkok since 22 May to secure the withdrawal of the guerrillas.

An agreement on the number of guerrillas involved and the technical problems of the evacuation is expected to be signed within ten days, the agency said.—REUTER (BPS).

20. From the conduct displayed by the Chinese, the Burmese Government regrets to report that it has come to the view that there is no sincerity on their

part, and that even if they should make a pretence of evacuating Li Mi's troops, it would only be along the lines so neatly expressed in the news item of August 5 quoted earlier. The blunt refusal of General Li Mi so faithfully echoed by his "jungle" Generals, the evasive and delaying action of the Chinese representatives and the conduct of the authorities in Formosa all combine to lead to the final conclusion that Li Mi's troops will continue to stay in the territories of Burma on the excuse that they are combating Communism, when in truth they are bandits and traders in opium who resort to widespread depredations and who give active support to the insurgents in Burma. Their depredatory activities continue.

21. The Burmese Government regrets to note that up to this date there has not been a single instance when people in authority in Formosa have expressed sympathy for the Burmese or have deplored publicly the presence of these troops in Burma. One would have expected Generalissimo Chiang Kai Shek to issue definite orders for the recall of these troops.

22. General Li Mi resides in Formosa as an honoured hero, and his "jungle" Generals come and go from and to Taipeh. Not only does financial assistance continue to flow into the jungle from Formosa (annex G) but planes also continue to land at Monghsat.

23. On August 10, the Burmese Government was assured by the American Ambassador at Rangoon that the Chinese Government, in recent discussions with General Li Tse-fen (one of the local commanders in Burma) and other leaders of the troops, had been able to impress upon them its determined decision to effect evacuation of the greatest number of troops possible and that Mr. Shao Yu-lin one-time Chinese Ambassador in South Korea, was at Bangkok and on his way to Monghsat as the personal representative of President Chiang Kai Shek to explain to the officers and men the position prevailing.

24. While the Government of Burma places on record its thanks to the American and the Thai Governments for their efforts to bring about a solution, it feels that the talks in Bangkok will lead to no spectacular result. Even at this stage, the Chinese representative, in agreeing to the evacuation of these troops in principle, makes a reservation that only those willing to be repatriated will be taken to Formosa.

25. The Chinese pretend that the evacuation of 12,000 men from the territories of Burma is a difficult operation and yet the world knows that the repatriation of 30,000 Chinese from Indo-China was accomplished overnight and there was no distinction between people wanting to go to Formosa and those who did not. It is equally likely that Chinese communist prisoners of war in Korea who do not wish to return to China will just as easily be repatriated to Formosa whether they like it or not. The fact that nothing has happened to General Li Mi's troops in Burma and that they continue their depredations reveals Chinese insincerity, and the position as it stands is hardly flattering to the United Nations.

(Signed) Sao Hkun Hkio
Foreign Minister.

¹I. e., Kuomintang troops.

31 August 1953

ANNEX A

("Time", dated 18 May 1953)

DANGER ZONES

Last-ditch Army. At one end of the living room of a Formosan cottage, incense from a burning joss stick rose fragrantly before an image of Buddha. Opposite, in a wicker chair flanked by two bold parrots, sat one of the most talked about and least known generals in the mid-20th century Orient. His long, hard body was encased in the folds of a grey Chinese gown and he jogged on one knee his five-year-old son, Yen.

General Li Mi, 50, is the handsome, scarfaced Nationalist who controls the Chinese Nationalist guerrillas entrenched in the chasmed wilderness that is Burma's border with China. His troops, who style themselves the Yunnan Anti-Communist and National Salvation Army, retreated into Burma after the Nationalist collapse of 1949; they claim to be preparing for a re-invasion of their homeland, and the destruction of the Communist regime.

To the weak Burmese government, which has never controlled its borders since the British Raj departed, Li's lawless veterans are "foreign bandits" who defy its writ, pillage its merchants and give the Chinese Communists an ever-ready excuse for threatening invasion. Last month, in a burst of near unanimity, the United Nations General Assembly condemned Li Mi and advised his guerrillas to get out or be interned. Li Mi refused, and in so doing defied the world. Last week, in Formosa where he is recuperating from a heart attack, he told Time Correspondent John Meeklin his side of the story, in his first interview since the controversy began.

Willing volunteers. "We have been condemned without a trial," said Li. "Why should not the United Nations first have sent somebody to investigate what we are doing instead of simply ordering us out?"

Li's version of the National Salvation Army's activities begins in spring 1950, when he salvaged some 2,000 stragglers from the wreck of the Nationalist Thirteenth Army Group and withdrew his demoralized troops to the Shan mountains on the Burma side of the border. In May 1951 Li attacked Red Yunnan with several thousand recruits gleaned from the borderlands, occupied eight *hsien* (Chinese counties), and appealed for volunteers. "Every able-bodied man in the district" stepped forward, he says; the National Salvation Army increased to 50,000 men.

Then came defeat. Communist regulars counterattacked, sent the Nationalists reeling back to their Burmese lairs. "It was bitterly pathetic," said Li. "Most of my men had no arms. Some sneaked back to their farms to wait for another chance, some took jobs on the Burmese government highway projects. Others were drowned when they tried to escape by swimming mountain torrents."

Since then, the Nationalists have managed to cling to a piece of Burmese real estate the size of West Virginia. One million primitive Burmans are now ruled by five Nationalist generals, loyal to Li Mi. The National Salvation Army, says its commander, has its headquarters on the forested plateau east of the Salween River, where the Burmese, Siamese and Indo-Chinese borders meet. It maintains an air strip, has reliable radio contacts with the government of Formosa.

Li says he controls almost 30,000 men but is quick to concede that only one in three has a firearm. His artillery consists of a few dozen mortars and 75 mm. cannon, but he has almost no ammunition. "We have done no plundering," he said. "We have really been fighting Communists." The general admits that his people levy "dues on visiting businessmen," but these are opium smugglers, he says offhandedly, and they expect to pay.

Most of Li's men live in mud and straw huts, raise rice and vegetables on tiny hillside farms. Some have settled down with Burmese girls but most still yearn for their families in Yunnan, and some secretly visit their kinfolk from time to time. A bold attempt last year to move large numbers of their dependants from Red Yunnan ended in

bloody failure: the Communists seized 800 oldsters and children, and none has been heard of since.

Trouble in Rangoon. To drive out Li Mi, the Burmese government is spending a large part of its total revenues. Li Mi retorts that this is Rangoon's own fault. His relations with the government were reasonably trouble-free, he says, until Burma's Foreign Minister visited Red Peking last July and was pressured into a phony "peace" pact whereby Communist guerrillas in Burma would cease their depredations in exchange for a Burmese offensive against the Nationalist redoubt. Since then, says Li Mi, the Nationalist Salvation Army has been attacked on all sides by (1) Red Chinese regulars, infiltrating from Yunnan, (2) Burmese Communist guerrillas, (3) the Burmese Army. In one incident, he says, the Burmans rounded up 100 of his men and turned 40 over to Chinese Communists, who drenched them in kerosene and burned them to death. His situation, Li concedes, is now "very difficult." Why then does he reject the United Nations proposal that his men should be evacuated to Formosa, where they may live to fight the Communists another day? For one thing, he says his men are determined to stay where they are. What's more, says the general, the United Nations and the United States have been duped by Communist charges that the National Salvation Army is a collection of bandits. Such "vilification", he says, actually included the charges that he personally had been riding around Bangkok in a fancy limousine, that he supports no fewer than twelve concubines. "I don't think my wife would permit it," says Li Mi dryly.

Washington and Taipei have repeatedly denied sending military aid to Li, but the evidence is mounting that in 1951 some United States supplies were airlifted to the Nationalist redoubt. More recently, the traffic has ceased, presumably because the State Department or the Pentagon became convinced that Li Mi's enterprise is doing more harm to Burma than it is to the Red Chinese.

Yet removing the National Salvation Army from its lair in the Shan mountains will not be an easy matter. Says General Li Mi: "Rather than evacuate . . . we could still turn to smuggling or even become bandits and plunder to stay alive. Look at my people. Now they have full freedom to fight the Reds. Here (in Formosa) they would be leashed."

ANNEX B

MAP OF BURMA

(See map attached)

ANNEX C

("The Bangkok Post", dated 29 June 1953)

"LI MI'S MEN WON'T WITHDRAW"

(Troops said dam against "Red Flood") (Situation Here crucial, 100,000-man army in S. Yunnan).

By *Theh Chonghadikij*

General Li Mi's troops are not going to withdraw from Burma, because, as they were not represented during the discussion, they consider the United Nations resolution for the withdrawal "unlawful", it was stated today in an exclusive interview by Lieut.-General Lee Yu Foo, leader of a five-man delegation the troops have sent to Bangkok on invitation of the four-nation United Nations committee planning the withdrawal operation.

The general explained that the troops are composed of inhabitants of Yunnan and the surrounding area who are determined to continue their fight against the Communists in order to drive them from their homeland.

General Lee, however, added that he hoped to "peacefully" reach an arrangement "which would solve Burma's difficulties concerning the troops and which would not interfere with the anti-Communist objective of the troops".

The general, who met the writer in a room at the Pacific Hotel, Siphya Road, this morning, spread out a cellophane map of the area above Thailand's northern frontier and pointed out

sections marked in red paint in Yunnan Province of South China where Chinese Communists, he said, are posed for movement into Southeast Asia. Along the Burma border, forming the frontline, are 6,000 "Thai Liberation" troops, comprising men of Thai nationality who inhabit the southern section of Yunnan.

Estimating the strength of Communist troops in Southern Yunnan, including Chinese and Thai (the general called them "Free Thai") at 100,000 men, General Lee said that it is against such a flood that General Li Mi's troops are the dam.

The general, who is 45 and has a shrapnel under his left ear, said that the information was received from intelligence agents they sent into Yunnan and that some of the reports had been made available to the Thai Government.

General Li Mi's delegation has so far only informally met Colonel I Fu-De, head of the Chinese Nationalist Government's delegation and it paid a courtesy call on American Ambassador Edwin E. Stanton yesterday evening. So far the representatives have not met with the Burmese delegates or with the United Nations committee as a whole.

General Lee, who informed two Burmese news correspondents yesterday of the attitude of General Li Mi's troops, was interviewed by the writer through Chinese-English interpretation by a member of the delegation, Major General Liu Ham. Besides these two, the delegation includes Major-General Fang Mou Kai, Colonel Liue Choong and one Mr. Loh, whose office was not disclosed.

The "Free Thai" troops, according to the general, comprise three regiments stationed in Cheli state of Yunnan, which borders North Burma. The first regiment is stationed at the headquarters of the Autonomous Thai Nationality Government in Cheli. The 2nd Regiment is stationed at Tahlo, nearest Communist regimental post to North Burma and 50 miles from the central North Burma state of Kengtung, while the 3rd Regiment is stationed at Thamuang-luang. These regimental posts are from 100 to 150 miles north of Thailand's northern frontier.

General Lee, pointing to the red areas bearing red flags on the map, said that behind the "Free Thai" troops in Southern Yunnan are the 13th, 14th and 15th Chinese Communist Armies, as well as an independent unit known as the second Border Defence Regiment.

Claiming that his troops are protecting all main routes which have to be used in a Chinese Communist invasion of Southeast Asia, General Lee said that the situation for this region at this time is "very crucial." He explained that North-eastern Indochina has been infiltrated by the Reds and "now there is the French-Cambodian trouble." He said that this might line the other bank of the Mekong River, part of whose course forms Thailand's northeastern border with Communists or pro-Communists.

The general said the 50th Army of the Chinese Reds has been moved into Northern Yunnan from service in Korea. It is difficult to state their purpose, he said, adding that intelligence reports indicated they were recruiting Yunnanese and obtaining supplies. It could be for further continuation of the Korean war or "for other purposes," said the general.

The general also reported that the 16th Army had been shifted from Szechuan Province in the north and are now in Northeast Yunnan, "apparently prepared for support of Ho Chi Minh when the time is ripe." So far, however, the Chinese Communists are only providing the Vietminh with supplies and military advisers, he said.

General Lee also reported that the Burmese Communist military leader, one Loh Shan, has now three regiments in North Burma. He said he believed "only a part of this group is Burmese."

The general said that if General Li Mi's troops are withdrawn, "it would open Thailand to the possibility of a Chinese Communist pincers move, with the Communists coming in from Burma and Indochina".

Claiming that the Chinese Nationalist Government has no control over them, General Lee said General Li Mi's troops number 30,000 men. He said that the group, which calls itself

the Southeast Asian Free People's Anti-Communist Joint Army, is made up of a Yunnan Anti-Communist National Salvation Army (which numbers approximately 12,000), a Moslem anti-Communist section made up of Chinese and Burmese who are followers of Mohammed; and a section of Karens, Kachins and other hill tribes who are anti-Communist.

Concerning the United Nations resolution for withdrawal of the troops, General Lee gave the Burmese correspondents the following statement:

"The resolution, which was unlawful and unreasonable, was haphazardly passed solely on the accusations of the Burmese Government without any explanation from the accused whatsoever, and without an investigation by a United Nations party on the site. Even when the Chinese Communists entered the Korean war, fighting against United Nations troops, they were allowed to send representatives to the peace conference".

General Lee said the troops would welcome on-the-spot investigations by neutral countries or news reporters but on condition the troops first investigate into the motives and purposes of the investigators, in order to prevent agents of Russia, Communist China and other Communist nations from getting into the area occupied by the troops. He added: "We have only one enemy—the Communists. The rest of the peoples of the world are our friends."

On the outcome of the United Nations conference in Bangkok, the General said he told the Burmese correspondents, "It depends upon the sincerity of the Burmese Government. It also depends on the American outlook for the future of Southeast Asia. We believe that basically all four countries participating in the conference are anti-Communist."

In answer to another question, the General said that the troops would be of immeasurable assistance to the Chinese Nationalist Government when Generalissimo Chiang Kai-shek gives the order for invasion of the mainland to free it from the Communists.

(Note: General Lee's statements are reported as they were made, with the intention of informing the public of a viewpoint not previously published. The "Post" is not taking sides in the controversy and respects the United Nations and Thailand's diplomatic relations.)

ANNEX D

GENERAL LEE YU FOO'S STATEMENT IN THE FORM OF QUESTIONS AND ANSWERS

("The Bangkok Post", dated 29 June 1953)

- Q. With what attitude do your delegates attend this conference?
- A. The delegates of the South-East Asian Free People's Anti-Communist Joint Army have recently sent a petition to the United Nations, the contents of which have been published in the newspapers all over the world, clearly indicating the Joint Army's attitude and wishes. The Yunnan anti-Communist National Salvation Army, whom we represent, is but one member of the Joint Army. Of course, we abide by the principles and wishes of the Joint Army. However, we are of the opinion that the abrupt resolution passed in connexion with our Army is unlawful and unreasonable. We come eagerly to this Bangkok Conference with only one point in mind, viz., to co-operate with all the democratic countries in stemming the tide of Communism and to solve the problems peacefully regarding our forces.
- Q. Is there any truth in the accusations made by the Burmese Government towards your Army, such as "your Army's encroachment upon the Burmese territory," "your Army's disturbance on Burmese subjects," "Communist infiltration into your Army," etc.?
- A. In the past few years, the Burmese Government resorted to means to stage an ill-will domestic and international propaganda against our troops, but we have remained silent since the beginning except by the recent petition to the United Nations. However, we strongly believe that any

person with an analytical mind can easily see through the fantasy of the Burmese propaganda. If statistics are taken on the number of our casualties and captives, as reported by the Burmese Government, there would not be a single man left in General Li Mi's army. Again, if our headquarters, Monghsat, had been captured by the Burmese, as reported by Radio Burma, the existence of our troops at the last base would be lost; why, then, should the Burmese Government trouble themselves to accuse us in the United Nations? Why should there be all the fuss of this Conference in Bangkok? It only serves to show that the propaganda staged by the Burmese Government is far from realistic.

Discipline in our troops. The success or failure of an army hinges entirely upon its discipline. When we first arrived at the Burmese border, the native people there were poverty-stricken. Through the efforts and co-operation of our troops, the financial condition of the natives has been greatly improved, which explains why the natives were on our side when we were attacked by the Burmese troops. They opposed the Burmese Government in changing their thousands of years' old tradition. They were angry and frightened of the raping, robbing and slaughtering of the undisciplined Burmese soldiers. Now which side has better discipline?

Q. Why didn't your army let the world know the truth in the past?

A. Apart from the fact that we were financially embarrassed and could not stage a world-wide propaganda, we had the following reasons:

(1) We had only one enemy—the Communists. The rest of the peoples in the world are our friends. We had to endure whatever misunderstandings and accusations from our friends.

(2) We could not politically or militarily fight against any potential democratic country or their people. Even if we entered into combats in the past, you may rest assured that they were not started by us. That is why we did not stage a protest when the Burmese Government withheld our delegates from the peace mission, and mistreated and molested our anti-Communist Overseas Chinese.

(3) The Burmese fighting our troops, which only reduced the anti-Communist strength in this area, was something instigated, encouraged and forced by the Chinese Communists. That the Burmese Government should fall into the trap set by the Chinese Communists is something much deplored by the freedom-loving people in the world. However, we feel sure that one day the Burmese Government will wake up to the Communist intrigue and be friendly with us again. This is also why we would rather endure accusations from the Burmese than offend them in any respect.

Q. Is your headquarters, with its very poor communication with the outside world, thoroughly aware of the development of the accusations by the Burmese Government in the United Nations?

A. Although the news came to us incomplete and much belated, we were rather surprised at the following points:

1. The resolution was haphazardly passed solely on the accusation of the Burmese Government without any explanation from the accused whatsoever, and without an investigation by a United Nations party on the site. In 1941, when Japan invaded Manchuria and eventually occupied an area equivalent to a few countries of Europe combined, the League of Nations sent a Committee headed by Mr. Leighton to make an investigation on the spot before declaring Japan as an aggressor. Again, even when the Chinese Communists entered the Korean war, fighting against United Nations troops, they were allowed to send representatives to the peace conference. But the procedure with which the United Nations passed the resolution against our troops is not only contrary to the normal procedure in dealing with international conflicts, but also in direct contradiction with the Charter of the United Nations.

2. The delegates of certain countries who spoke in favour of the Burmese Government, were based entirely on the

accusation of the Burmese Government. We would like to ask those delegates whether they realized the grotesque Communist intrigue behind the accusation to communize the entire Southeast Asia; whether they master the demarcation of the boundary line between China and Burma; whether they have ever studied the complicated conditions of the border natives; whether they realize how our army was organized; and whether they know the future consequences of such a resolution. We wish you would answer this question: What value is there to this resolution which was passed by delegates who did not have the insight of the case? What do you expect it will accomplish?

Q. Just how was the Southeast Asian Free People's Anti-Communist Joint Army organized?

A. The brief history of the organization of the Joint Army was mentioned in the "Petition to the United Nations." Kindly excuse us for not going into details, which will not only reveal many fallacies of the Burmese Government's policies, but which will be against our principles to disturb the Government. We are still striving for the understanding of the Government so that this point will be clarified in General Li Mi's memoirs when the Communists are defeated.

Q. What conflicts did your Army have with the Burmese troops?

A. This delegation is sent to solve various problems peacefully, and not to issue any communiqués in connexion with this problem. It is sufficient to mention here that to attain peace at all costs, our troops have never taken any initiative to launch any conflicts with the Burmese troops. But we must also mention that we are not cowards and have put up successful defences each time the Burmese have threatened the very existence of our troops.

Q. Do you welcome on-the-spot investigations by neutral countries or news reporters?

A. We welcome such investigations at any time, but on certain conditions.

Q. What are the conditions?

A. First, we investigate the motives and purposes of the investigators. For instance, how can we not refuse or arrest the delegates sent by Russia, Communist China, the Burma Communists, Indo-Chinese Communists or the Free Thai?

Q. What do you think will be the outcome of the Bangkok Conference?

A. It depends upon the sincerity of the Burmese Government. We feel that some day the Burmese Government will realize that they have been fooled by the Chinese Communists. We hope to exchange our sincerity for the understanding of the Burmese Government and peaceful settlement of this issue. Secondly, it depends upon the United States outlook of the future situation in South East Asia. If the United States would look further into the future rather than be satisfied with the present appeasement, the outcome of the conference will be encouraging. We believe that basically all the four countries who are participating in this conference are anti-Communist. However, we must remind our American friends not to underestimate the complexity of dealing with oriental problems. In the past, General Marshall's mediation only destroyed the anti-Communist spirit in the Chinese people. The recent arbitrary peace negotiation which has not secured the approval of Southern Korea beforehand, has created grave consequences. We also hope our American friends will not solve the Asian problems with an American viewpoint.

Q. Have your troops been recently engaged in combat with the Communists in the Yunnan Province?

A. We have had daily combat with the Chinese Communists in Tun Chung, Lung Ling, Tsong Yuen, Cha Li, Fu Hai, Nan Chiao, etc. Within the last two months, we annihilated a complete company of the 115th Regiment of the Communist 39th Division. We also launched a surprise attack on our enemy stronghold at Tsong Yuan, annihilated one battalion of the 2nd Regiment of the 13th Army, burned

16 enemy rice godowns, and captured a large amount of arms and ammunition, not to mention numerous surprise attacks in which the enemy communication systems were destroyed.

Q. What are the recent movements of the Communists in China, Burma, Indochina, Laos and Thailand?

A. A recent intelligence report states as follows:

Chinese Communists: Five field armies, two columns, 23 regiments and 129 battalions are stationed in Yunnan Province. Militia and peace preservation troops are being expanded rapidly. Under Russian supervision, landing strips for jets are being repaired and constructed. Highways are rapidly repaired.

Burmese Communists: Three regiments belonging to Lo Shan, Commanding Chief of the Communists in the North Burmese Districts, are scattered in Northern Burma. One Regiment, infiltrated into Laos through Cha Li, Fu Hai and Nan Chiao, with the intention of entering into Kengtung. The red and white flag of the Burmese Communists is developing rapidly when the Burmese launch attacks on our troops.

Thailand Communists: With the help of the Chinese Communists, the Thailand Communists (Free Thai) are recruiting fighting forces steadily in Cha Li, Fu Hai and Nan Chio. Three corps have been established. Some 50,000 families in Thailand have already participated in the activities.

Laos Communists: Already developed into 2,000 men.

Remarks: There are Chinese Communist officers and men in the above Burmese, Laos and Free Thai troops.

(Signed) *Lieut.-General Lee Yu Foo*
Lee Yu Foo
 Chief Delegate of Yunnan
 Anti-Communist National Troops

ANNEX E

("The Bangkok Tribune", dated 16 July 1953)

LI MI NOT ORDERING EVACUATION OF BURMA

TAIPEH, 15 July.—Lieutenant-General Li Mi has flatly told Generalissimo Chiang Kai Shek that he would never issue the order to evacuate his 12,000 anti-Communist guerrillas in north Burma, United Press learned from the best available sources.

The source who is in daily contact with General Li said the colorful guerrilla commander has explained to Chiang Kai Shek that despite his personal loyalty to Chiang and the Nationalist government, it is utterly impossible for him to persuade his men to lay down their arms and come to Formosa.

Li Mi is still recuperating from an earlier apoplectic attack at Grass Mountain, Taipei's suburban spa, and is not expected to assume an active role in the efforts for evacuation of his troops.

General Li headed the Chinese guerrillas evacuated into Burma more than three years ago from China's Yunnan Province ahead of the victorious Chinese Communists. Since then he has made two abortive thrusts back into Yunnan. He caused international concern when his forces clashed with Burmese troops.

Burma charged Nationalist China with aggression in the United Nations. The latest United Nations Assembly session adopted a resolution calling on all Member nations to help evacuate or intern Li Mi's troops.

A four-Power conference with representatives from Nationalist China, Burma, the United States and Thailand has worked out an evacuation program subject to approval of their governments. However, Lieutenant-General Li Che-feng, Li Mi's deputy, announced recently in Bangkok that the program was unacceptable.

General Li Mi shared General Li Che-feng's sentiments. The source said Li Mi objected to the principle of evacuation on the following reasons:

(1) His 12,000 men are scattered in a wide area, almost twice as big as Formosa, with very primitive communications means. It is technically very difficult to group them together to withdraw here.

(2) Eighty per cent of his troops are native Yunnan residents, 15 per cent native Burmese and 5 per cent Chinese from other provinces. Ninety-five per cent of them obviously still defy orders and refuse to leave the region.

(3) All these guerrillas hold themselves as only useful in an anti-Communist war when placed along the Yunnan-Burma border.

They think they will become a liability to the Nationalist government if they come over to Formosa.

General Li Mi further claimed his force constituted a barrier between the Chinese Communists and the Reds in Southeast Asia. He repeatedly has told the Nationalists that the Chinese Communists already have established links with the Burmese Communists and will, if Li Mi's men are taken away, join force with the Malayan communists.—(UP)

ANNEX F

KMT COMMANDERS TURN DOWN BURMA EVACUATION PLAN

BANGKOK, 28 July.—The regional commanders of General Li Mi's KMT guerrillas on Burma's frontier have flatly rejected the four-nation military commission plan to evacuate the 12,000 guerrillas, usually reliable sources reported today.

The five commanders from Monghsat base, headquarters of the guerrillas in Burma, led by Lieut-General Lee Tse Fen, arrived here five weeks ago to give their views on the evacuation plan.

In an open statement immediately on arrival here, they announced they would continue their fight in Burma. This made Gen Li Mi, convalescing in Taipeh, send his deputy, Gen Li Win Bin, to Bangkok to persuade the rebelling commanders to accept the evacuation plan, already accepted by the Formosa Government.—PTI.

ANNEX G

("The New York Times", dated 24 July 1953)

CHINESE IN BURMA ASK KOREA STATUS

Invoke principle of 'voluntary' repatriation and ask United States to support them in area

By Henry R. Lieberman, *Special to The New York Times*

TAIPEH, Formosa, 23 July.—Borrowing a concept upheld by the United States in Korea, most of General Li Mi's Chinese Nationalist guerrillas along the Burma-Yunnan border are now refusing to be evacuated to Formosa from Burma on the ground that they are natives of the border region and that their removal would violate the principle of "voluntary repatriation".

Legalists might be able to point out various differences between the situations in Burma and Korea. Nevertheless, the guerrillas' stand appears to have produced a fundamental snag in the four-Power talks that have been going on in Bangkok, Thailand, since 22 May. The talks in which military representatives of the United States, Burma, Thailand and Nationalist China are participating, were initiated by the United States following a United Nations resolution calling for withdrawal of "foreign troops" from Burmese soil.

Guerrillas reject plan

On 22 June the conferees reached a basic agreement on the ways and means to evacuate the guerrillas except for a few unsettled technical points. Despite the agreement, however, the guerrillas subsequently submitted a report to the State Department that ran counter to the whole purpose of the Bangkok conference.

General Li Mi, who has been in Formosa since last January, discussed the report in an interview here to-day. He said it

was drafted 28 June by Lieut.-General Li Tse-feng, a deputy commander in charge of East Burma guerrilla operations, and added that it contained the following "important points":

Only a small part of the guerrilla force can be withdrawn inasmuch as most are indigenous to the area. Those troops who desire to remain should be concentrated in a neutral zone and reorganized under the command of Gen. Li Mi with the United States guaranteeing a cease-fire between the guerrillas and the Burmese Army.

The United States should support the guerrillas in this neutral zone in preparation for any "emergency" in Southeast Asia.

If the prescribed neutral zone is too small for the guerrillas to obtain all the food they need inside the zone, arrangements should be made for them to purchase food outside the neutralized area.

According to General Li Mi, the State Department early this month categorically rejected the guerrilla report. The

United States Embassy here said such a message was not routed via Taipeh, but it was suggested that it could have been routed through the United States Embassy in Bangkok.

"I understand the guerrillas have asked for another reply and that they will withdraw from the conference if it is not satisfactory", General Li Mi said.

General Li Mi is the top commander of the guerrillas in addition to being Nationalist Governor *in absentia* of Communist-held Yunnan Province, but he says most of his men would not heed any evacuation order he might give.

According to General Li Mi, the forces under his command consist of about 30,000 half Chinese and half hill tribesmen with one-third of the total being armed. It is an open secret these forces got some material and financial assistance from the United States for a time. After this aid stopped the Formosa Government began making monthly subsidies to General Li Mi's guerrillas. Formosa is reportedly scheduled to end all financial assistance to the guerrillas this month.

DOCUMENT A/C.1/L.69

Letter dated 26 October 1953 from the Chairman of the delegation of China addressed to the Secretary-General

[Original text: English]
[28 October 1953]

Upon instructions from my Government, I have the honour to forward herewith a copy of a statement issued by H.E. Mr. George K. C. Yeh, Minister for Foreign Affairs of the Republic of China, on 8 October 1953, on the question of the evacuation of the Chinese irregulars under General Li Mi's command in Burma, and to request that this statement be circulated as a General Assembly document.

(Signed): Tingfu F. TSIANG
Chairman of the delegation

STATEMENT MADE BY H.E. MR. GEORGE K. C. YEH,
MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC
OF CHINA, ON THE EVACUATION OF CHINESE IR-
REGULARS UNDER GENERAL LI MI'S COMMAND IN
BURMA, 8 OCTOBER 1953

Since the adoption by the General Assembly of the United Nations of a resolution 707 (VII) calling for the evacuation of foreign forces in Burma, the Chinese Government has exercised its utmost persuasive influence in trying to get as many of them evacuated to Taiwan from Burma as it is possible. The efforts it has made in this direction and the results it has achieved have been fully reported to the four-Power Joint Military Committee, which has been sitting in Bangkok since 22 May 1953.

The Chinese irregulars under General Li Mi's command in Burma form no part of the armed forces of the Republic of China. They are not subject to the control of the Chinese Government. That the Chinese Government enjoys a certain measure of influence over the said forces is due to the fact that some of them were formerly under the command of General Li Mi in Yunnan, who had retreated into Burma for refuge in early 1950 when the province was overrun by Chinese Communists. Today, the majority of the said forces consists of local inhabitants from the different Yunnan-Burma border regions, who, as victims of communist oppression, have gathered under General Li Mi's banner to fight against their common oppressors. It is beyond the power of the Chinese Government to force these people to leave their native places and to accept evacuation, together with their families, to Taiwan.

During the past few months, the Chinese Government has co-operated to the fullest extent with the other member governments of the four-Power Joint Military Committee in Bangkok in devising a feasible plan for the withdrawal of those irregulars who would respond to the call for evacuation to Taiwan. The Chinese Government, in its effort to bring about the desired evacuation of these men, has had to contend with difficulties which at times appeared insurmountable. But as a result of its sustained effort, the Chinese Government has now succeeded in persuading some 2,000 irregulars together with a few hundred of their dependants to evacuate to Taiwan in accordance with the plans already worked out by the four-Power committee.

When the evacuation plan was just about to be concluded, the Burmese representative, on September 16, presented to the Joint Military Committee his Government's demand for the evacuation of all the Chinese irregulars from Burma. In view of the fact that the Chinese Government exercises no control over the said forces and the fact that the greater part of them is composed of local inhabitants from various border regions between China and Burma, the Burmese Government was virtually asking the impossible. The Chinese representative on the Committee justly declared that it was definitely beyond the power of his Government to achieve a total evacuation of all the Chinese irregulars from Burma and that for this reason he could not see his way to accept the Burmese demand. On the next day, the Burmese representative, charging the Chinese Government with lack of sincerity, withdrew from the conference.

From the very outset of the meeting of the four-Power Joint Military Committee in Bangkok, the representative of the Chinese Government had made it abundantly clear that the Chinese Government would exercise its influence over the forces concerned to the utmost extent in order to bring about the evacuation of those irregulars who would respond to the call of the Chinese Government for evacuation. The Chinese Government could, in fact, only commit itself to that extent, and to that extent it has incessantly directed its effort.

Despite the withdrawal of the Burmese representative, the Chinese Government, in order that the desired evacuation might not be wrecked by the rash action of the Burmese Government, continued its effort toward the evacuation of those men who had pledged to leave Burmese territory and requested that the Committee remain in session to give final touches to the plan. To this request, the representatives of the Thai and United States Governments readily agreed, and the Committee has since continued to sit without interruption.

Since the beginning of September this year, when the four-Power conference was entering into the final stage of its work in drawing up the evacuation plan, the Burmese Government air force has made incessant raids on Monghsat and several other places where the Chinese irregulars who had pledged to leave Burma were being assembled. Attacks on the Chinese irregulars by Burmese ground forces have since been intensified according to statements of Burmese authorities and to Press dispatches from Rangoon as well as to statements made by General Li Mi's representative in Bangkok. The Chinese Government has no desire of probing into the intentions of the Burmese Government in launching attacks against the Chinese irregulars while its representative was discussing the final details of the evacuation plan in the Joint Military Committee. But it cannot help viewing with grave concern the situation created by such actions of the Burmese Government, which, in its opinion, would seriously affect the evacuation preparations of those troops who are set to leave Burma. Moreover, the Burmese Govern-

ment's unwarranted action in bombing the troops who had gathered together for evacuation and were entirely unprepared for any military action was an act contrary to humanitarian principles. The Chinese Government has accordingly instructed its representative to make an urgent appeal to the Joint Military Committee for an immediate cessation of such attacks launched by the Burmese Government. The Chinese Government is yet unable to assess the extent to which such attacks on the anti-communist Chinese irregulars have obstructed the evacuation plans. It is, however, still prepared to sign the evacuation plan as agreed upon by the Governments of Thailand, the United States and China, though the outcome of its continued effort to implement, to the best of its ability, the United Nations resolution will depend entirely upon the course of action to be taken by the Burmese Government.

The Chinese Government's request for the Burmese Government to suspend its attacks on the Chinese irregulars can in no way be construed as indicative of any desire on the part of the Chinese Government to perpetuate their stay in Burma. It stems from its consistent desire to implement a resolution of the United Nations, which, it believes, is equally supported by the Government of Burma. Once the evacuation of those of the irregulars under General Li Mi's command who have consented to being evacuated is successfully carried out, the Chinese Government will have no desire to maintain any relations with those who will have chosen to remain behind in Burma or to furnish them with any form of material support. In dealing with these remnants, the Burmese Government is naturally expected to observe the common principles of humanity and international practice.

DOCUMENT A/C.1/L.70

Letter dated 28 October 1953 from the Chairman of the delegation of Burma addressed to the Secretary-General

[Original text: English]
[29 October 1953]

With reference to Burma's complaint of aggression against her by the Government of the Republic of China, I have the honour to enclose herewith sets of documents¹ which are relevant to the further consideration of this item, and to request that these may kindly be treated as documents of the First Committee, and circulated to all the Members of that Committee.

(Signed): Myint THEIN
Chairman

INDEX TO EXHIBIT DOCUMENTS

Exhibit 1: Letter dated 22 July 1953 from Hsuing Teng Hsien, Commanding Officer of No. 4 Column of the Anti Communist National Salvation Army, addressed to an Officer of the Burma Army relating to the withdrawal of his Kuomintang troops from the territory of the Union of Burma. (Letter was received through a special messenger.)

Exhibit 2: Letter No. 694 dated 25 July 1953 from Colonel Wang, Commanding Officer of the 4th Regiment of the 2nd Division, Security Army, Yunnan, Republic of China, addressed to the Government of Burma and the Joint Military Committee, relating to the withdrawal of Kuomintang troops from the territory of the Union of Burma. (Letter was received together with exhibit 1.)

Exhibit 3: Letter dated 5 July 1953 from Long Chang Hwa, addressed to General Chung Hwa, in charge of the Mawchi sector, mentioning the receipt of a letter from General Li Mi. (Found on a courier captured at Kemapyu on 22 July 1953 while en route to Mawchi from Monghsat.)

Exhibit 4: Letter dated 5 July 1953 from Long Chang Hwa addressed to Huang Lian Hui mentioning General Li Mi's instruction on reinforcements and wolfram trade. (Seized together with exhibit 3.)

Exhibit 5: Letter dated 5 July 1953 from Long Chang Hwa addressed to Hian Kwai, mentioning General Li Mi's instructions on reinforcements and supplies. (Seized together with exhibit 3.)

Exhibit 6: Letter dated 28 June 1953 from General Li Mi containing instructions addressed to Kiau Kwei for the build-

ing of a new aerodrome at Mese and the assurance of more supplies. (Seized together with exhibit 3.)

Exhibit 7: Letter dated 29 June 1953 from General Li Mi to Chung Tien, containing instructions to hold Mawchi at all cost, and also mentioning General Li Mi's return to Monghsat in the near future. (Seized together with exhibit 3.)

EXHIBIT 1

The Battalion Commander, Bo Ba Lwin, 2nd Battalion, 1st Regiment, Kayah Army, stationed at Sittaung

I have just received your letter and have come to know about the decisions reached by the Four Nation Commission² at Bangkok that the KMT [Kuomintang] troops in Burma shall be disarmed and escorted back to Formosa. Although it is our duty to abide by the United Nations resolution we have not yet received orders to that effect from our High Command. As we are duty bound as soldiers to obey orders, we would never venture to go against any order of our High Command and we are all set to act accordingly when the orders are passed on to us.

Besides awaiting and seeking instructions from our High Command, we beg to request your honourable battalion to request our Government on our behalf to give us instructions forthwith which would then enable us to act accordingly.

Pending the orders from our Government I hope you will be able to understand our position. My humble unit is prepared to adhere to the United Nations resolution, but at the present juncture I hope you will be kind enough to purchase for us 60 baskets of rice.

Please let me know if my request would be favourable.

With best wishes,

(Signed) HSUING TENG HSIEN
No. 4 Column Anti-Communist National Salvation Army

(Countersigned) CHOW YIN
Dated 22 July 1953

¹ Photographs of the original documents may be consulted in the United Nations Archives.

² Joint Military Committee.

EXHIBIT 2

(On Service)

4th Regiment of No. 2 Division
Security Army, Yunnan,
Republic of China
No. 694

Dated 25th July, 42nd Year (1953)

"Hsing Tsung Wen"

To:

Supreme Authority of the Government of Burma and
the Four Nation Commission through Bo Ba Lwin,
C.O. of No. 2 (B) Company of 1st Kayah Battalion,
Burma

The letter sent by Bo Ba Lwin, Commanding Officer of your honourable country, dated 20th July, addressed to me, has been received at 2.30 p.m. on the 24th of July. Regarding withdrawal of my Division to Taiwan (Formosa) I agree entirely on principle, but there are so many matters that have to be made clear to your honourable Government which it is hoped will meet with your favourable consideration. There are several points which are required to be responsibly and suitably decided by your country and the United Nations. The points raised in the following paragraphs are expected to be replied to with clear answers and it is also hoped that the four power representatives will be sent to meet the officers concerned of the Republic of China and the United Nations at an appointed place for holding negotiations:

(a) Particulars of the present state of affairs, assignments and attachments of this regiment:

(i) This regiment is under the control of the 2nd Division of the Security Army of the Yunnan Province of the Republic of China. Its movements are under the direct command of the Commanding Officer, Wang Yu Wey of the 2nd Division of the Security Army, or under the indirect instructions of President Chiang (Chiang Kai-shek) of the Republic of China, and Li Mi, a Chairman of the Yunnan Province. Therefore the withdrawal of this Division to any place in whatever manner must be under specific order of the above-mentioned high officers. No movement can be effected otherwise.

(ii) The jurisdiction of the area of this Regiment is the Sino-Burmese border-line between Bhamo and Myitkyina. The headquarters of this regiment is situated at Sinlunkaba, in Bhamo, with its bases poised in the areas of Lweje, Nawhpra Ya, Lahpai, Sima, Laukh-nang, Simahaw, South of Nanseyang and Kunpo inside Burma, and Csilan, Kan Ai, Chun Tat, Nan Tin, Lung Chung, in the Chinese territory. Besides our troops in the above places, there are over 2,000 armed personnel belonging to the headquarters of this regiment. If all of them were to withdraw to Taiwan they must at first be gathered in Burma, before they can be despatched together.

(iii) Besides the armed forces attached to this regiment as mentioned in the above, there are armed intelligence officers and liaison officers stationed in Bhamo, Myothit, Katha, Nalong, Nahpaw, Mogaung, Sailaw, Sitang (?) and Lahpai in the south of Myitkyina. All these personnel must also be despatched back to Taiwan.

(iv) There are altogether 470 odd of underground workers and small groups of workers hiding in the big

towns of Northern Burma, such as Myitkyina and other towns. They are also to be withdrawn and despatched to Taiwan at the same time.

(v) There are over 40 personnel of this regiment who have been arrested by your honourable Government one after another and are detained in Meiktila, Mandalay, Kutkhai, Bhamo and Myitkyina. It is requested that these personnel be released to be despatched together to Taiwan.

(vi) There are over 300 members belonging to the families of the officers and other ranks, now staying in Rangoon, Mandalay, Lashio, Muse, Namkhan, Kutkhai, Bhamo, Myothit, Nahpaw and Myitkyina. They are also to be received at a localized centre to be despatched together with the detachments of this regiment to Taiwan. There are also survivors belonging to over 10 families of the officers and men of this regiment who had fallen on the battlefield. If this regiment was to withdraw to Taiwan there would be no means of livelihood for these people. Therefore they must be given some sort of compensation before we finally dispose them.

(b) Following are the questions to be urgently replied to by your honourable Government and the Commission of the Four Nations:

(i) Regarding the subject of withdrawal of this Regiment to Taiwan, I have not yet received orders from any of my superior officers. Would it be convenient for your Government to send instructions of the Four Nation Commission of the United Nations and also telegraphic orders of the Government of the Republic of China and the Chairman of Yunnan Province, and a copy of orders circulated by Commander Wong to this regiment so that I may be able to ask my Government and the officers concerned accordingly to issue instructions to me for compliance?

(ii) There are over 3,000 people belonging to over 20 big and small units of this regiment, scattered about in all places. It will take at least three months, after the conclusion of the negotiation, to concentrate these people at one place. They must be concentrated at Sinlum-Kaba in Bhamo. Temporary concentration area in Nahpaw and Sittang zones, should also be made to enable the preliminary gathering of members of these units. Will your honourable Government be able to state definitely the precise duration in question and to set up the concentration areas?

(iii) Will your honourable country afford them with convenient passage and guarantee of protection during the period of concentration and transit both in towns and cities either individually or in groups?

(iv) Will your honourable country afford the convenience of passage and guarantee of protection to the members of the family of the personnel attached to this regiment and also living in the city of Rangoon, Myitkyina town and other townships during their move to concentrating centres?

(v) Will your honourable country allow members of every unit of this regiment scattered about in all places, to choose any route for passing through during the period of their concentration at a specific centre? Will your honourable country issue permits to our couriers for free travelling?

(vi) Will your honourable country immediately give a list of officers and other ranks of this regiment who are under your detention and release them to our Regi-

ment so that they may be transported together to Taiwan?

(vii) The provision of supplies to the officers and other ranks of this regiment, numbering over 3,000, is usually obtained by sending in rotation detachments of this regiment to the interior of China, to loot and seize from the Communists. At a time of concentration, all these activities will have to be stopped and the source of supplies will thus cease. Our monthly expenses are over 2 lakhs (200,000) of rupees. Will your honourable country or the United Nations be responsible for providing this payment month by month?

(viii) The funds to be expended for providing gratuity to the disabled officers and other ranks and compensation to the survivors of the officers and other ranks killed on the battlefield will be 50,000 approximately. Will your honourable country and the United Nations bear the whole of this amount?

(c) Conditions to be executed immediately by your honourable Army:

(i) To demarcate neutral zones as a buffer from the east of Lahpai River to the west of Lu Tung (?). The armed forces of both the parties shall not enter into this zone.

(ii) It is necessary to hold a meeting for negotiations. The meeting shall be at Wawchon or Hsinghai (Myothit ?) in the buffer zone.

(iii) The materials and provisions sealed at Sittang (?) Lah Pai, Sailaw, Myitkyina shall be released at once for the use of members of this regiment who have been called back from China, and all other places as their daily necessities.

(iv) Fifty special safe conduct passes to be issued by your honourable Government to enable us to despatch officers to go to all places and collect our men and also for the use of liaison officers and couriers.

(v) For special reasons your honourable Army is requested to help us to force our workers who are remaining in the area under your martial law, to return to our Regiment. (A list of names and addresses is given under heading 'D'.)

(d) Memorandum of your honourable Army:

(i) At Hsi-Tong there are Po Chin-Chia, liaison officer, and Yang Kun-fah and Yu Ta-hsuan, intelligence officers of our regiment.

(ii) At La Chuang there are Kuo Ta-shuan, counsellor, and Kuo Yu-ton, liaison officer of our regiment.

(iii) At Ke Lan there are Tuan Tzu-tse and Hu Yung-chun, intelligence officers of our regiment.

(iv) At Lah-Pai there are Yang Chien-min, military representative, Wang Chin-yung, counsellor, both of our regiment. They have armed followers, namely Tu Sheng-hao and Yu Chih ching and several others. If there are matters for discussion or correspondence to be sent, they can be entrusted to any of the above mentioned officers individually to carry them out accordingly, and they can be charged to hold themselves responsible for carrying out the duties.

(e) Miscellaneous

(i) During the period of negotiations for withdrawal, your honourable Army shall not enter into the demarcated buffer zone.

(ii) During the period of negotiations for withdrawal, your honourable Army shall not obstruct the movement of the liaison officer of our regiment.

(iii) During the period of negotiations for withdrawal, your honourable Army shall reopen all the lines of communication which have been closed.

(iv) After the conclusion of the agreement for withdrawal and while awaiting orders from my Government and our superior authorities and before we are able to move out, there shall be no hostile operations or actions taken against our regiments at their various locations and against our workers who had been sent out previously.

(v) Our regiment shall hold itself entirely responsible for peace and security at all the places where our units are stationed. There will be no need for your country to send in any armed forces.

It is hoped that your honourable country and your honourable army, as honour bound, shall abide by the above mentioned five points.

If otherwise should any incidents occur, which affect the negotiation of withdrawal, your honourable Government shall be held solely responsible for the consequences.

Again, for the sake of preserving the permanent peace effective in Bhamo area, hereafter, it is important that there should be a complete withdrawal of all members of this regiment. If there is only a partial withdrawal, it will be hard to anticipate what undesirable consequences and developments may arise. I therefore, sincerely request that your honourable Government will give the utmost consideration to all the requests made by this regiment as stated above, and hope that a satisfactory resolution shall be sought.

You, my honourable officer, are requested to convey all the matters stated above to the Supreme Authorities of your honourable Government and to the Four Nation Commission and to send a full-power representative to negotiate with us regarding all these matters. You are also requested to favour me with an early reply to the matters so that I may be enlightened.

With my highest respect,

(Sealed)

(Signed) Colonel WANG
Commanding Officer of the 4th Regiment of the
2nd Division Security Army, Yunnan Province
Republic of China

List of names of places in Chinese and English:

Chinese	English	Chinese	English
Ching Lung Kan..	Sinlumkaba	Nan San Yang....	Nansayang
Yang Jen Chieh.....	Lweje	Lo Kung.....	Laukhaung
Na Po.....	Nah Paw	Chuan Ma Ho....	Sima Haw
Hsin Tien.....	Myo Thit	Meng Kung.....	Mogaung
Na Lung.....	Nalong	Pa Chias Chai..	Nawhpra Ya
Hsi Ma Kung.....	Sima	La Pai.....	Lah Pai
Nan Ti.....	Namti	Sai Lo.....	Sailaw
		Wu Chiung.....	Waw Chon

EXHIBIT 3

Dear brother Chung Hwa,

Your letter of the 6th June was received and noted.

1. As the situation in Ketung is critical I have written to Honourable Ping [General Li Mi] in Taipeh to send out reinforcements. Instructions received from Taipeh dated the 28th June stated that crack forces had been sent out to launch attacks from various directions. With yourself at Ketung, planning for its defence, it is hoped that status quo will be maintained.

2. Herewith I sent you a personal letter from Honourable Ping (Gen. Li Mi). Please acknowledge receipt.

3. Regarding the shortage of the gold bars, I had instructed Saw Ba Than by telegram to take out three bars. If the packet contains 24 bars, it is in order. Saw Ba Than told Li Nan Hoon that the gold should be delivered to him. It is not easy to find out how they are missing. When I come to Ketung, I shall personally see Saw Ba Than and Li Nan Hoon. If it annoys Saw Ba Than, I just can't help it. He goes too far. In future, when any transaction on wolfram is to be made, we would leave the decisions to the higher authorities.

4. The gold bars were handed to us by Chen Ho Yuan. I could not refuse it. No taxes and payments for the goods have been received up till now and Li Yin knows thoroughly well about this matter.

5. Petrol is available. Do you need it to be sent to the border area?

6. Regarding rice, I am now making arrangements and when everything is ready I shall send a telegram to you to send your men to come and take delivery of it.

7. Regarding the wolfram in Papun, it is learnt that Chen Ho Yuan is making contacts. If it is convenient, please stop him. I have sent a separate telegram to the headquarters for instructions and I have contacted M/s Kean Gwan about the sale of one hundred tons of wolfram. But to take an advance, a guarantee by the Bank of China is necessary. Therefore, the matter is very difficult.

(Signed) HWA
5th July

EXHIBIT 4

To: Sectional Commander Huang Lian Hui,

Your letter of the 14th June has not yet arrived. Yours of the 19th has reached me a week ago.

1. Regarding the salary of the Assistant Manager of the company, he may be paid according to the rate fixed by the headquarters. His salary will be re-regularized on my return later on.

2. Regarding the fund for Chung's horse caravan, the amount is Ks 35,000/-. Previously when 27 bars of gold and a small piece were transported, the value was Ks 52,000/-. According to Chung's telegram, 7 bars were found short. Please enquire from Saw Ba Than how it was lost and report. I shall enquire from Li Nan Hoon.

3. Ketung³ sector sent a telegram to Honourable Ping (General Li Mi) for help. On being instructed, I rushed two units under Kao and Li to the South. I also sent out a big force to launch attacks from various directions. The situation at Ketung can certainly be kept under control. At the moment there is a petrol shortage. Please arrange to despatch the wolfram and at the same time please store as much rice as possible. Please also let me know how many trucks you have at hand.

4. The Thai merchants have gone back and trade will be temporarily suspended. In future, when you sell minerals, please inform me in detail so as to avoid mistakes.

5. Regarding your request that I should visit Mese, I shall make arrangements.

6. Adjutant Chang Kuo Hua has gone to Papun on official business. Please assign some personnel to look after the rice and wolfram and kindly report how many

³ Ketung is also known as Mowchi.

tons are in stock. Please carry out Honourable Ping's (General Li Mi) instructions and if any one comes with my letter, please deliver the stock to him. If there is any difficulty, kindly write to me to Bangkok via Kunlung⁴ and I shall then reply.

I heard that there is a shortage of rice and so I shall purchase it at Kunlung (?) and send it to the frontier. Kindly send your note on receipt of the rice. I shall make payment on presentation of the receipt issued by you. I wish to know how things stand in our area. Please report when it is convenient to you.

(Signed) HWA

P.S. Herewith I attach my address. Your letter can be mailed at Kunlung (?) Post Office. It will reach me. Regarding rice, contact the rice merchants quickly and you may at first purchase 500 baskets, and increase your purchase later.

Attached note

Mr. Long Chan Hwa
127 Kittikul Lane
Petburi Rd., Bangkok

EXHIBIT 5

Elder brother Hian Kwai,

Your letter of the 6th June has been received. I had already sent a telegram to Chen care of Chung Hwa and I have just received a letter from your adjutant Wang Min Tah stating that you and your forces have crossed the river to attack. Regarding the situation in Ketung, I have already reported to Honourable Ping (General Li Mi) in Taipeh and received instructions on the 28th June that orders have already been given to Li Tah Jen and Kao Wen Pin to send out their forces urgently as reinforcements. I have also sent out a large force to relieve our men in Ketung. Please hold on and don't let anything worry you. Herewith I am sending you Honourable Ping's (General Li Mi) personal letter. Regarding equipment, I have already written several letters and I was informed that they will be sent through the transport unit of Yao's regiment to Ketung which is our important base for materials. In our new plan, our main base will be shifted to the aerodrome. It will be enforced only after the conclusion of the fighting in Ketung. Regarding the rice shortage, we have already made some purchase from Kunlung. I have already instructed sectional leader Huang Lian Hui accordingly. Regarding medical supplies, I shall send through reliable persons. Kindly keep me informed of the battle conditions in your area.

Wishing you success,

(Signed) HWA
5th July

EXHIBIT 6

Younger brother Kiau Kwei
c/o Pu Chu Hwa

It is necessary to construct an aerodrome in the South of Mese. Please find a suitable site to proceed with the works. It is likely that the Burmese enemies would attack you and I am much worried about it. At present, we have drafted a new plan. We shall soon send reinforcements to you and hope you will be relieved. We

⁴ Kunlung seems to be a code name of a certain town in Burma or Northern Thailand.

expect you to recruit more of the Ke tribes and I shall be responsible for their equipment.

Wishing you good health,

(Signed) LI MI
My health is recovering.
28th June

like a "throat" to us. It is absolutely necessary to hold it by all means. Besides planning to reinforce your men, I hope you will hold on for a certain period of time. I am now getting better and I might be able to come back to Monghsat in the near future.

With my best wishes to our allied friends and our men,

(Signed) LI MI

29th June

EXHIBIT 7

Younger brother Chung Tien,

Having parted with you for nearly a year, every day I long to see you once again. Your sector is something

DOCUMENT A/C.1/L.71

Letter dated 29 October 1953 from the Chairman of the United States delegation addressed to the President of the General Assembly

[Original text: English]
[30 October 1953]

I have the honor to enclose a statement released to the Press at Bangkok on October 29, 1953 by the Joint Military Committee, on which representatives of my Government and the Governments of Thailand and China have been serving. This statement relates to an agreement reached by these Governments regarding the evacuation of about two thousand Chinese irregular forces, together with their dependants, from Burma. Although the Government of Burma is not a party to this agreement, it has indicated that it will co-operate with the Joint Military Committee as far as possible.

I request that copies of my letter and this enclosure be circulated to members of the First Committee. I am authorized to state that the delegations of China and Thailand join with me in this request.

(Signed) Henry Cabot LODGE, Jr.
Chairman of the delegation

STATEMENT ISSUED BY THE JOINT MILITARY COMMITTEE IN BANGKOK ON 29 OCTOBER 1953

The Republic of China has assured Thailand and the United States that about 2,000 foreign forces together with their dependants will be evacuated from Burma;

that all foreign forces refusing to leave Burma under this plan are disavowed; and that it will not help those remaining with any supplies.

This proposal was made to the Burmese Government through diplomatic channels and the latter has agreed that, although it did not feel able to rejoin the Joint Military Committee in Bangkok, it would not interfere with the proposed evacuation; would assure co-operation with the Joint Military Committee as far as possible; and that military action against the evacuees would cease until 15 November, on provision that the Republic of China accepted these assurances. The Republic of China assented to this; therefore, there is agreement between Thailand, the Republic of China, and the United States on the evacuation, and Burma agrees not to interfere and to co-operate with the Joint Military Committee. On this basis, Thailand, the Republic of China and the United States have proceeded to take preliminary action, including arrangement for housing, security, evacuation team and air transport.

The first group of evacuees is due to arrive at the border during the first week of November for reception by the Joint Military Committee and evacuation through Thailand to Taiwan.

DOCUMENT A/C.1/L.73

Australia, Brazil, Canada, India, Mexico, New Zealand and United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[5 November 1953]

The First Committee

Having considered the report of the Government of the Union of Burma contained in document A/2468, the letter dated 26 October 1953 on the same subject contained in document A/C.1/L.69 and the letter dated 29 October 1953 from the Chairman of the United States delegation (A/C.1/L.71);

Decides under rule 115 of the rules of procedure to adjourn further consideration of this question by this Committee at the present session to a date not earlier than 23 November 1953.

DOCUMENT A/C.1/L.89

Letter dated 25 November 1953 from the Chairman of the United States delegation addressed to the Secretary-General

[Original text: English]
[26 November 1953]

In connexion with the item currently before the General Assembly entitled "Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China," I have the honor to enclose two messages received by my Government by telegram from Bangkok, Thailand, reporting the progress achieved on the evacuation of foreign forces from the territory of the Union of Burma.

The first of these messages, dated 21 November 1953, contains information covering the period 7-17 November inclusive. This message has been concurred in by the representatives of Thailand and of the United States on the Joint Military Committee for evacuation. The representative of China was not available for concurrence, having been at forward headquarters at Mae Chan. The second message is a report, concurred in by all members of the joint committee, covering the period 17-23 November inclusive.

I request that copies of this letter and its enclosures be circulated to members of the First Committee.

(Signed) Henry Cabot LODGE, Jr.
Chairman of the delegation

REPORT BY THE JOINT MILITARY COMMITTEE ON
PROGRESS ON THE EVACUATION OF FOREIGN FORCES FROM
THE UNION OF BURMA

21 November 1953

Following vital statistics concerning foreign forces evacuees from 7-17 November, inclusive, obtained from examination of records prepared by evacuation team at Mae Chan. These records freely available each Committee member and Burmese for transmission his respective government for such use as government considers advisable.

Through 17 November, total of 671 persons evacuated, including 135 officers, 419 enlisted men, and 22 women (listed as doctors and nurses), totaling 576 troops plus 42 wives, 53 children, totaling 95 dependants. All forces thus far evacuated listed selves as members 26th Army.

Numbers and ranks of 135 officers evacuated through 17 November follows: 9 generals, 12 colonels, 9 lieutenant colonels, 19 majors, 38 captains, 40 lieutenants, and 8 warrant officers. Eight of 9 generals and 6 of 12 colonels were 17 November, thus completing evacuation of 26th Army Headquarters.

Average years service of 576 troops are as follows: 1-4 years, 184; 5-9 years, 213; 10-14 years, 104; 15-19 years, 47, over 20 years, 28.

Average ages of 576 follow: under 15 years, 6; 15-19 years, 47; 20-24 years, 82; 25-29 years, 115; 30-34 years, 152; 35-39 years, 74; 40 plus, 100.

Thai Army medical examination at Mae Chan revealed physical conditions 576 as follows: 365 profile one, i.e., no apparent defects; 199 profile two, i.e., minor defects such as enlarged spleen or conjunctivitis; 12 profile three, i.e., wounded or poor heart condition. One evacuee still hospitalized Chiengrai.

Names and ages of general officers evacuated to date follow: 7 November, Major General Li Kuo-hui; 17

November, Lt. General Lu Kuo-ch'uan, 52; Major Generals Changhyoa-kuang, 45; P'i Ya-yuan, 54; Wang Chiung-hua, 64; Yang T'ien-ch'ih, 58; Ts'ai Chi-san, 70; Wang Wei, 39; Ming-chi, 50.

Government of the Union of Burma cease-fire ends 1 December so that if Chinese maintain present average 50 evacuees per day only some 600 additional will appear by 1 December, making about two-thirds of total expected by then. Either Chinese must speed process or again ask joint Military committee to request another Government of the Union of Burma extension cease-fire.

Thirty-eight Shans who presented selves for evacuation 8 November returned to jungle and only strictly Chinese troops and dependants (except 1 Burmese wife) have since appeared at initial reception centre through 17 November. Burmese claim these Shans are Burmese nationals while Chinese claim they originated in Yunnan. Even anthropologist might have difficulty deciding question.

Burmese observer liaison group remained in Bangkok until Burma made formal request entry Thailand for observer liaison mission awaiting instructions from the Government of the Union of Burma. When request and instructions received, group proceeded evacuation points, and has had mission facilitated in every way by all authorities concerned and Burmese leader has expressed appreciation therefor.

Civil air transport has operated efficiently under contract to U.S. Government in transporting evacuees by plane 1,400 miles from Lampang to Taipeh. Troops are trucked from Thai border town of Mae Sai opposite Tachilek 25 miles south to Joint Committee forward headquarters at Mae Chan for processing. Evacuees are then trucked 150 miles further south to airfield at Lampang.

Joint Committee report dated 20 November, 4 p.m., states first group 50 foreign forces, all men, arrived Tachilek 9.50 a.m. led by Major General Too Shan-shin. Group carried 14 rifles, 6 carbines and 71 rounds ammunition. Only 5 rifles, no carbines serviceable. All weapons and arms destroyed. Group crossed border 10.50 a.m.

Second group 51 evacuees, including 35 foreign forces without arms plus 16 dependants arrived Tachilek 10.29 a.m. Chinese soldier's wife admitted being Burmese national and not permitted exit by Burmese. Both remained Burma, and 49 evacuees crossed border at noon.

Third group 50 foreign forces, all unarmed men, included two disputed nationals who were refused exit by Burmese officials. Entire third group plus two persons mentioned second group returned jungle. Third group minus disputed nationals expected return Tachilek 11 a.m. 21 November for processing. Arrival date subsequent groups not determined.

Foregoing 99 evacuees flown Taipeh 21 November. Evacuees through 21 November total 770, of whom 769 flown Taipeh. Total includes 660 troops, of whom 638 men, 22 women, plus 110 dependants.

Foregoing message concurred in by United States and Thai representatives Joint [Military] Committee now in Bangkok. Chinese representative not available being at forward headquarters Mae Chan.

REPORT BY JOINT MILITARY COMMITTEE ON PROGRESS
ON THE EVACUATION OF FOREIGN FORCES FROM THE
UNION OF BURMA

24 November 1953

Joint Committee report dated 23 November 2 p.m. stated first group 53 men arrived Tachilek 1010 with 19 rifles, 1 carbine and 96 rounds of ammunition. Only 6 rifles were serviceable but poor condition, remaining 14 arms not serviceable. All arms destroyed. Group

crossed border 1115 without incident. Second group 52 evacuees including 13 men, 39 dependants crossed border 1215 safely. No arms. Third group 49 evacuees including 32 men, 9 women, plus 8 dependants, crossed border 1:30 p.m. No arms. Total evacuees for 23 November 154, including 98 men and 9 women foreign forces plus 47 dependants. No evacuees expected 24 November. 150 expected 25 November. Total through 23 November: 976 evacuees, including 788 men and 31 women, or 819 foreign forces plus 157 dependants. Arms total to date 40, including 33 rifles and 7 carbines, of which only 11 rifles serviceable but poor condition. Ammunition total 167 rounds. All arms and ammunition destroyed.

DOCUMENT A/C.1/L.90

Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[27 November 1953]

The General Assembly,

Having considered the report dated 31 August 1953 (A/2468) of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory,

1. *Notes* that limited evacuation of personnel of these foreign forces has begun as from 7 November 1953;
2. *Expresses concern* that few arms have been surrendered by them;
3. *Appreciates* the efforts of the United States of America and Thailand in striving for the evacuation of these forces;
4. *Urges* that efforts be continued for the evacuation or internment of these foreign forces and the surrender of all arms;
5. *Reaffirms* General Assembly resolution 707 (VII) of 23 April 1953 and in particular;
6. *Urges* upon all States to refrain from furnishing any assistance to these forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country;
7. *Invites* the Government of the Union of Burma to report on the situation to the General Assembly as appropriate.

DOCUMENT A/C.1/L.90/Rev.1

Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution

[Original text: English]
[4 December 1953]

The General Assembly,

Having considered the report dated 31 August 1953 (A/2468) of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory, and all other information on the subject laid before the Assembly,

1. *Notes* that limited evacuation of personnel of these foreign forces has begun as from 7 November 1953;
2. *Expresses concern* that few arms have been surrendered by them;
3. *Appreciates* the efforts of the United States of America and Thailand in striving for the evacuation of these forces;

4. *Urges* that efforts be continued on the part of those concerned for the evacuation or internment of these foreign forces and the surrender of all arms;

5. *Reaffirms* General Assembly resolution 707 (VII) of 23 April 1953 and in particular;

6. *Urges* upon all States to refrain from furnishing any assistance to those forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country;

7. *Invites* the governments concerned to inform the General Assembly of any action that they have taken to implement the present resolution;

8. *Requests* the Government of the Union of Burma to report on the situation to the General Assembly as appropriate.

DOCUMENT A/C.1/L.91

Letter dated 27 November 1953 from the Chairman of the United States delegation addressed to the Secretary-General

[Original text: English]
[27 November 1953]

In connection with the item currently before the General Assembly entitled "Complaint by the Union of Burma regarding Aggression against it by the Government of the Republic of China", I have the honor to enclose two further messages received by my Government by telegraph from Bangkok, Thailand, reporting the progress achieved on the evacuation of foreign forces from the territory of the Union of Burma.

Both of these messages emanated from the Joint [Military] Committee in Bangkok and are dated, respectively, November 25, 1953 and November 27, 1953.

I request that copies of this letter and its enclosures be circulated to members of the First Committee.

Accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Henry Cabot LODGE, Jr.
Chairman of the delegation

JOINT MILITARY REPORT

November 25, 1953

First group 50 foreign forces, all men, crossed border 0815. Troops armed with 1 submachine gun, 8 rifles, 1 pistol, and 1 mortar.

Second group 38 men, 2 women troops and 10 dependants for total of 50 crossed border, 1055 unarmed.

Third group 53 men crossed border 1145.

No foreign forces expected on 26th November. 150 expected 27th November.

JOINT MILITARY REPORT

November 27, 1953

First group 50 foreign troops, all men, crossed border 1050 the 27th. Group included Major General Hon Yu-ching. Armed with: 4 submachine guns, 14 rifles, 1 carbine, and one mortar 3 inch.

Second group 49 unarmed forces, 41 men, 8 dependants, crossed border 1135 hours.

Third group 50 unarmed foreign forces, all men, crossed border 1205 hours.

DOCUMENT A/C.1/L.92

Thailand and the United States of America: amendments to the draft resolution submitted by Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland (A/C.1/L.90)

[Original text: English]
[1 December 1953]

1. In the preamble, insert "and the reports of the Joint Military Committee in Bangkok" between the words "Union of Burma" and the words "on the situation".

2. In operative paragraph 4, insert "on the part of those concerned" between the word "efforts" and the words "be continued".

3. In operative paragraph 7, insert "and the Joint Military Committee in Bangkok" between the words "Union of Burma" and the words "to report".

DOCUMENT A/C.1/L.93

Letter dated 2 December 1953 from the Chairman of the United States delegation addressed to the Secretary-General

[Original text: English]
[2 December 1953]

In connexion with the item currently before the General Assembly entitled "Complaint by the Union of Burma regarding Aggression against it by the Government of the Republic of China", I have the honor to enclose a further message received by my Government by telegraph from Bangkok, Thailand, reporting the progress achieved on the evacuation of foreign forces from the territory of the Union of Burma.

This message emanated from the Joint [Military] Committee in Bangkok and is dated November 30, 1953.

I request that copies of this letter and its enclosure be circulated to members of the First Committee.

Accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Henry Cabot LODGE, Jr.
Chairman of the delegation

JOINT MILITARY COMMITTEE REPORT

November 30, 1953

First group 50 foreign forces crossed border 1105. Group included 46 men, 4 women. Arms: 19 rifles, 1 submachine gun, destroyed.

Second group 43 unarmed foreign forces 12 men, 31 dependants, crossed border 1250.

However, of 47 evacuees appearing at Tachilek, Burmese officers refused exit of one after evacuation teams and Burmese observers determined nationality to be Burmese. Principal with 2 dependants and one orderly returned jungle. Burmese assured returnees safe passage.

Third group 50 unarmed foreign forces 48 men, 2 women, crossed border 1320.

Total 143 evacuees 30 November include 112 foreign forces of whom 6 women plus 31 dependants.

DOCUMENT A/2607

Report of the First Committee

[Original text: English]
[5 December 1953]

1. On 23 April 1953, the General Assembly, having examined a complaint by the delegation of the Union of Burma regarding the presence, hostile activities and depredations of foreign forces in the territory of the Union of Burma, adopted resolution 707 (VII) which, *inter alia*, (1) declared that these foreign forces must be disarmed and either agree to internment or leave the territory of the Union of Burma forthwith; (2) recommended that the negotiations then in progress through the good offices of certain Member States should be pursued, in order to put an end to this serious situation by means of the immediate disarmament and withdrawal of the said forces from the territory of the Union of Burma or by means of their disarmament and internment; and (3) invited the Government of the Union of Burma to report on the situation to the Assembly at its eighth session.

2. On 10 September 1953, in accordance with General Assembly resolution 707 (VII), the permanent representative of Burma submitted to the Assembly his Government's report (A/2468) on the presence of foreign forces in its territory. By letters dated 29 June 1953 (A/2423) and 28 October 1953 (A/C.1/L.70), the Burmese delegation transmitted, for the information of the Assembly, various documents relating to the item.

3. At its 435th meeting on 17 September 1953, the General Assembly decided to include in its agenda the item entitled "Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China: report of the Government

of the Union of Burma", and referred it to the First Committee for consideration and report.

4. The First Committee considered the item at its 653rd to 657th meetings inclusive, held between 31 October and 5 November and at its 677th to 679th meetings inclusive, held between 27 November and 4 December 1953.

5. By a letter dated 26 October (A/C.1/L.69), addressed to the Secretary-General, the representative of China transmitted a copy of a statement issued by the Minister for Foreign Affairs of China on 8 October 1953 on the question of the evacuation of the Chinese irregulars under General Li Mi's command in Burma.

6. By a letter dated 29 October (A/C.1/L.71), addressed to the President of the General Assembly, the representative of the United States transmitted a copy of a statement released to the Press at Bangkok on the same day by the Joint Military Committee, on which representatives of the Governments of China, Thailand and the United States had been serving. That statement related to an agreement reached by those Governments regarding the evacuation from Burma of about two thousand Chinese irregular forces, together with their dependants. The representative of the United States of America stated that, although the Government of Burma was not a party to that agreement, it had indicated that it would co-operate with the Joint Military Committee as far as possible.

7. On 5 November, Australia, Brazil, Canada, India, Mexico, New Zealand and the United Kingdom

submitted a draft resolution (A/C.1/L.73), providing that the First Committee, having considered the report (A/2468) of the Government of the Union of Burma, the letter dated 26 October (A/C.1/L.69) and the letter dated 29 October 1953 (A/C.1/L.71) from the United States delegation, should decide, under rule 115 of the rules of procedure, to adjourn further consideration of this question to a date not earlier than 23 November 1953.

8. At its 657th meeting on 5 November, the Committee adopted the seven-Power draft resolution by 50 votes to 3, with 6 abstentions.

9. By letters dated 26 and 27 November and 2 December (A/C.1/L.89, A/C.1/L.91, and A/C.1/L.93), addressed to the Secretary-General, the representative of the United States transmitted messages received by his Government from the Joint Military Committee in Bangkok, reporting the progress achieved in the evacuation of foreign forces from the territory of the Union of Burma.

10. On 27 November, Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and the United Kingdom submitted a draft resolution (A/C.1/L.90), providing that the General Assembly, having considered the report (A/2468) of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory, should (1) note that limited evacuation of personnel of these foreign forces had begun as from 7 November 1953; (2) express concern that few arms had been surrendered by them; (3) appreciate the efforts of the United States and Thailand in striving for the evacuation of the forces; (4) urge that efforts should be continued for the evacuation or internment of the foreign forces and the surrender of all arms; (5) reaffirm General Assembly resolution 707 (VII) and, in particular; (6) urge upon all States to refrain from furnishing any assistance to the forces which might enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country; and (7) invite the Government of the Union of Burma to report on the situation to the General Assembly as appropriate.

11. On 1 December, Thailand and the United States submitted amendments (A/C.1/L.92) to the eight-Power draft resolution (1) inserting the words "and the reports of the Joint Military Committee in Bangkok", between the words "Union of Burma" and the words "on the situation" in the preamble; (2) inserting the words "on the part of those concerned" between the word "efforts" and the words "be continued" in operative paragraph 4; and (3) inserting the words "and the Joint Military Committee in Bangkok" between the words "Union of Burma" and the words "to report" in operative paragraph 7.

12. On 4 December, Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and the United Kingdom, together with Uruguay as an additional co-sponsor, submitted a revision (A/C.1/L.90/Rev.1) of their draft resolution, (1) revising the preamble to note that the General Assembly had considered the report (A/2468) of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory, and all other information on the subject

laid before the Assembly; (2) revising operative paragraph 4 to urge that efforts should be continued on the part of those concerned for the evacuation or internment of the foreign forces and the surrender of all arms; (3) inserting a new operative paragraph 7 inviting the governments concerned to inform the Assembly of any action that they had taken to implement the present resolution; and (4) revising the operative paragraph originally numbered 7 (renumbered 8) to request the Government of the Union of Burma to report on the situation to the Assembly as appropriate.

13. On the same date, the amendments (A/C.1/L.92) of Thailand and the United States were withdrawn.

14. On the same date the representative of the Union of Soviet Socialist Republics proposed an oral amendment to delete operative paragraph 3 of the revised nine-Power draft resolution.

15. At the 679th meeting on 4 December, the Committee rejected the *USSR amendment* to the revised nine-Power draft resolution, by 49 votes to 5, with 2 abstentions. The Committee adopted the revised nine-Power draft resolution by 51 votes to none, with 6 abstentions.

Recommendation of the First Committee

16. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

COMPLAINT BY THE UNION OF BURMA REGARDING AGGRESSION AGAINST IT BY THE GOVERNMENT OF THE REPUBLIC OF CHINA

The General Assembly,

Having considered the report dated 31 August 1953 (A/2468) of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory, and all other information on the subject laid before the Assembly,

1. *Notes* that limited evacuation of personnel of these foreign forces has begun as from 7 November 1953;

2. *Expresses concern* that few arms have been surrendered by them;

3. *Appreciates* the efforts of the United States of America and Thailand in striving for the evacuation of these forces;

4. *Urges* that efforts be continued on the part of those concerned for the evacuation or internment of these foreign forces and the surrender of all arms;

5. *Reaffirms* General Assembly resolution 707 (VII) of 23 April 1953, and in particular;

6. *Urges* upon all States to refrain from furnishing any assistance to these forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country;

7. *Invites* the governments concerned to inform the General Assembly of any action that they have taken to implement the present resolution;

8. *Requests* the Government of the Union of Burma to report on the situation to the General Assembly as appropriate.

DOCUMENT A/2627

Letter dated 7 December 1953 from the United States representative to the United Nations addressed to the Secretary-General

[Original text: English]
[11 December 1953]

In connexion with the item currently before the General Assembly entitled "Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China", I have the honour to enclose two further communications received by my Government by telegraph from Bangkok, Thailand, reporting progress achieved on the evacuation of foreign forces from the territory of the Union of Burma. These messages emanated from the Joint [*Military*] Committee in Bangkok and are dated 4 December and 5 December 1953, respectively.

I request that copies of this letter and its enclosures be circulated to Members of the General Assembly.

(Signed) Henry Cabot LODGE, Jr.
Chairman of the delegation

JOINT MILITARY COMMITTEE REPORT

4 December, 1953

First group 49 armed male foreign forces disarmed of 17 rifles, 3 pistols, crossed Thai border 1130 hours. Second group 57 unarmed evacuees, including 34 male

troops and 23 dependants, crossed border 1230 hours. Third group 48 unarmed foreign forces, including 45 men and 3 women, crossed border 1310 hours. Total today 154 evacuees, including 128 men and 3 women foreign forces and 23 dependants.

JOINT MILITARY COMMITTEE REPORT

5 December, 1953

First group foreign forces 50 men crossed border 0935 hours. Arms: 17 rifles, three pistols, destroyed. Second group 50 unarmed foreign forces, 45 men, 5 women, crossed border 1015 hours. Group led by Major General Lee Tzonko. Third group 50 foreign forces, all men, crossed border 1050 hours.

Total 150 evacuees 5 December include 145 foreign forces men and 5 foreign forces women.

145 evacuees departed Lampang for Taiwan 5 December as follows: First group 49 at 0550 hours; second group 46 at 0600 hours; third group 58 plus one baby at 0625 hours.

ACTION TAKEN BY THE GENERAL ASSEMBLY

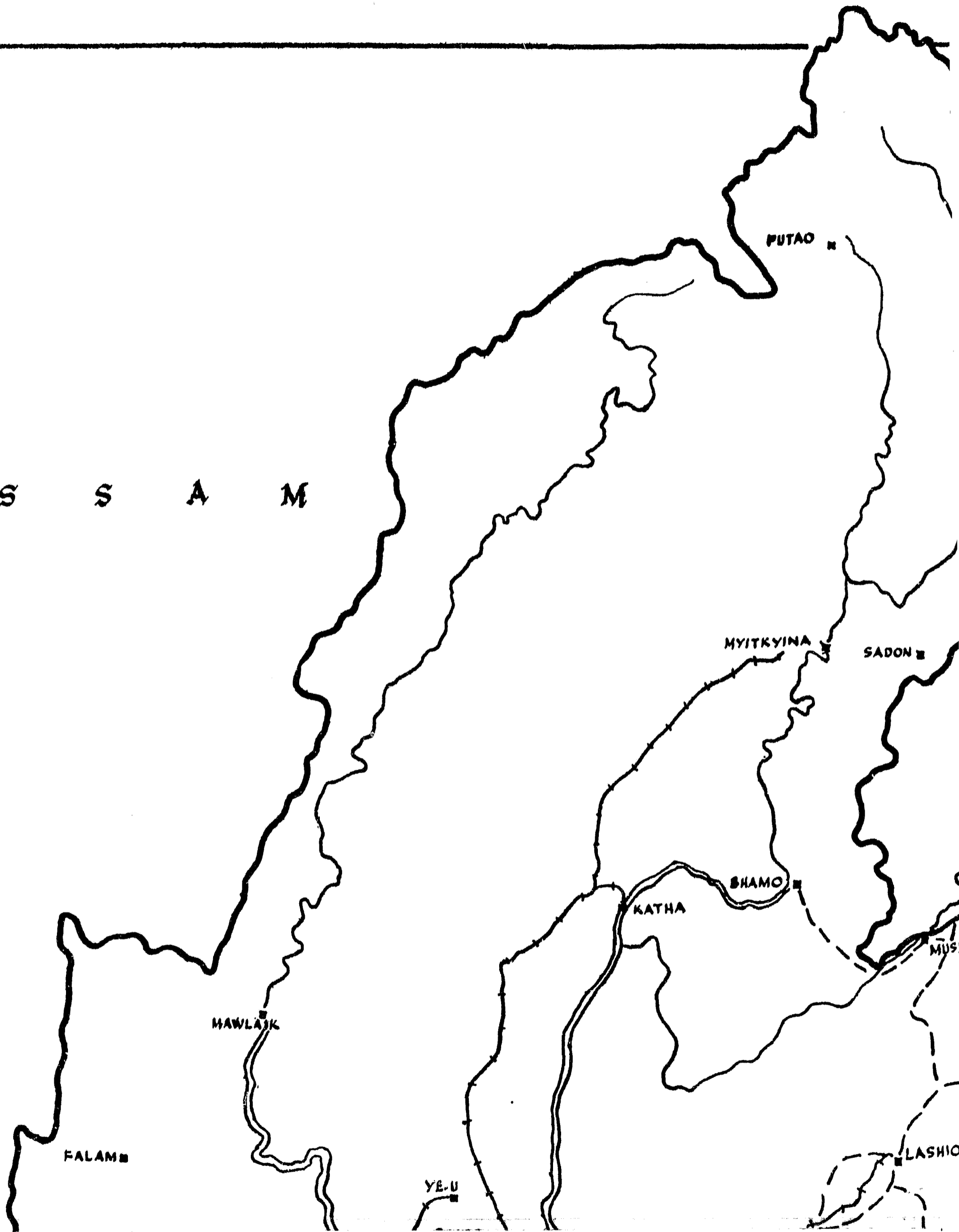
At its 470th plenary meeting on 8 December 1953, the General Assembly adopted the draft resolution submitted by the First Committee (A/2607). For the final text, see resolution 717 (VIII).

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/2423	Letter dated 29 June 1953 from the Secretary of the permanent delegation of Burma to the United Nations, addressed to the Secretary-General	2	
A/2468	Letter dated 10 September 1953 from the permanent representative of Burma to the United Nations, addressed to the Secretary-General. . . .	43	
A/2607	Report of the First Committee.	61	
A/2627	Letter dated 7 December 1953 from the United States representative to the United Nations, addressed to the Secretary-General.	63	
A/C.1/L.42	Burma: draft resolution		<i>Official Records of the General Assembly, Seventh Session, Annexes, agenda item 77</i>
A/C.1/L.44/Rev.2	Mexico: second revised text of draft resolution		<i>Ibid.</i>
A/C.1/L.69	Letter dated 26 October 1953 from the Chairman of the delegation of China to the Secretary-General	52	
A/C.1/L.70	Letter dated 28 October 1953 from the Chairman of the delegation of Burma to the Secretary-General	53	
A/C.1/L.71	Letter dated 29 October 1953 from the Chairman of the United States delegation to the President of the General Assembly.	57	
A/C.1/L.73	Australia, Brazil, Canada, India, Mexico, New Zealand and the United Kingdom of Great Britain and Northern Ireland: draft resolution	57	
A/C.1/L.89	Letter dated 25 November 1953 from the Chairman of the United States delegation to the Secretary-General.	58	
A/C.1/L.90	Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland: draft resolution	59	
A/C.1/L.90/Rev.1	Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution.	59	
A/C.1/L.91	Letter dated 27 November 1953 from the Chairman of the United States delegation to the Secretary-General	60	
A/C.1/L.92	Thailand and the United States of America: amendments to the draft resolution submitted by Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland (A/C.1/L.90)	60	
A/C.1/L.93	Letter dated 2 December 1953 from the Chairman of the United States delegation addressed to the Secretary-General.	61	
A/RESOLUTION/174	Resolution adopted by the General Assembly at its 470th plenary meeting, on 8 December 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 717 (VIII)</i>

A S S A M

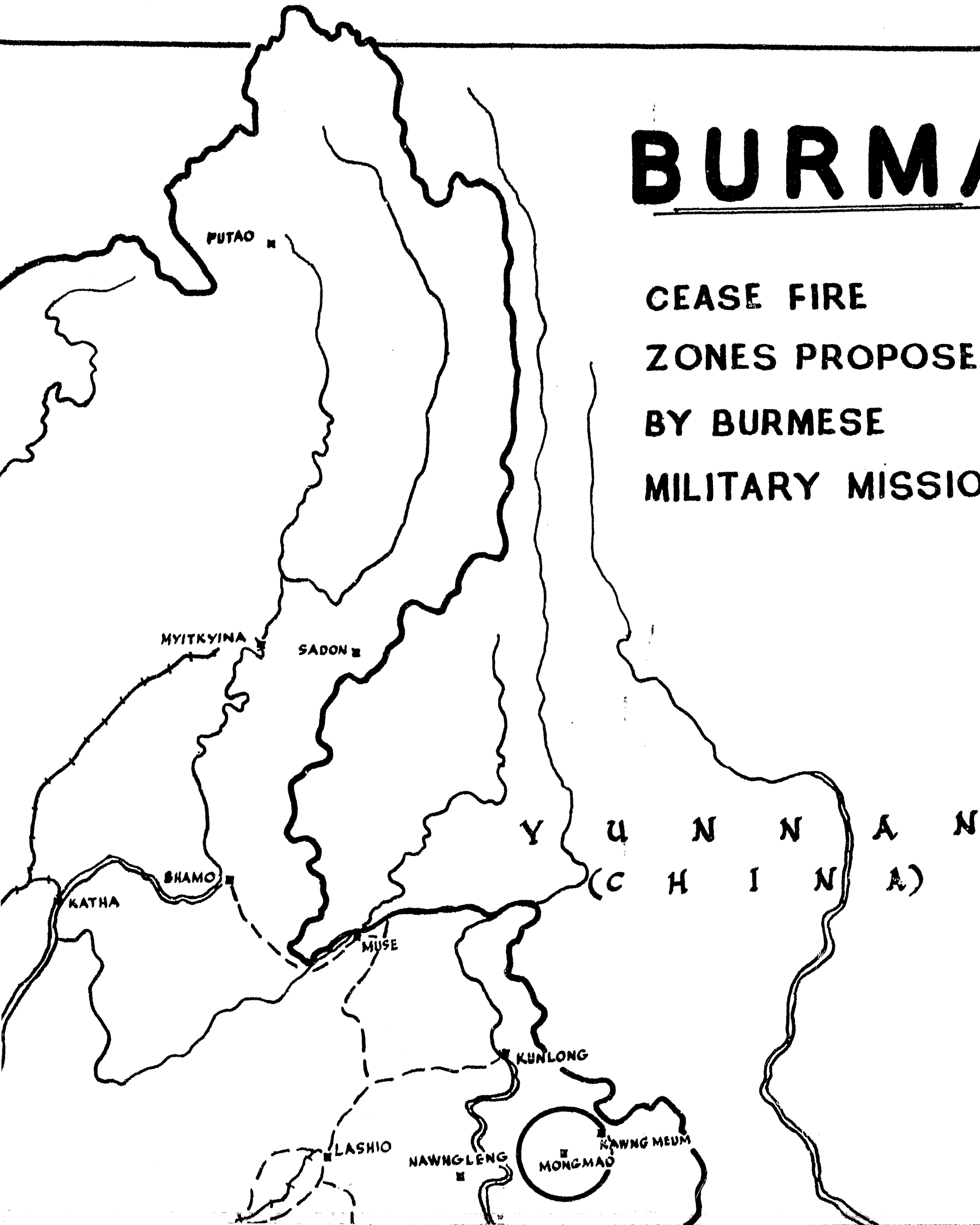
B E N G



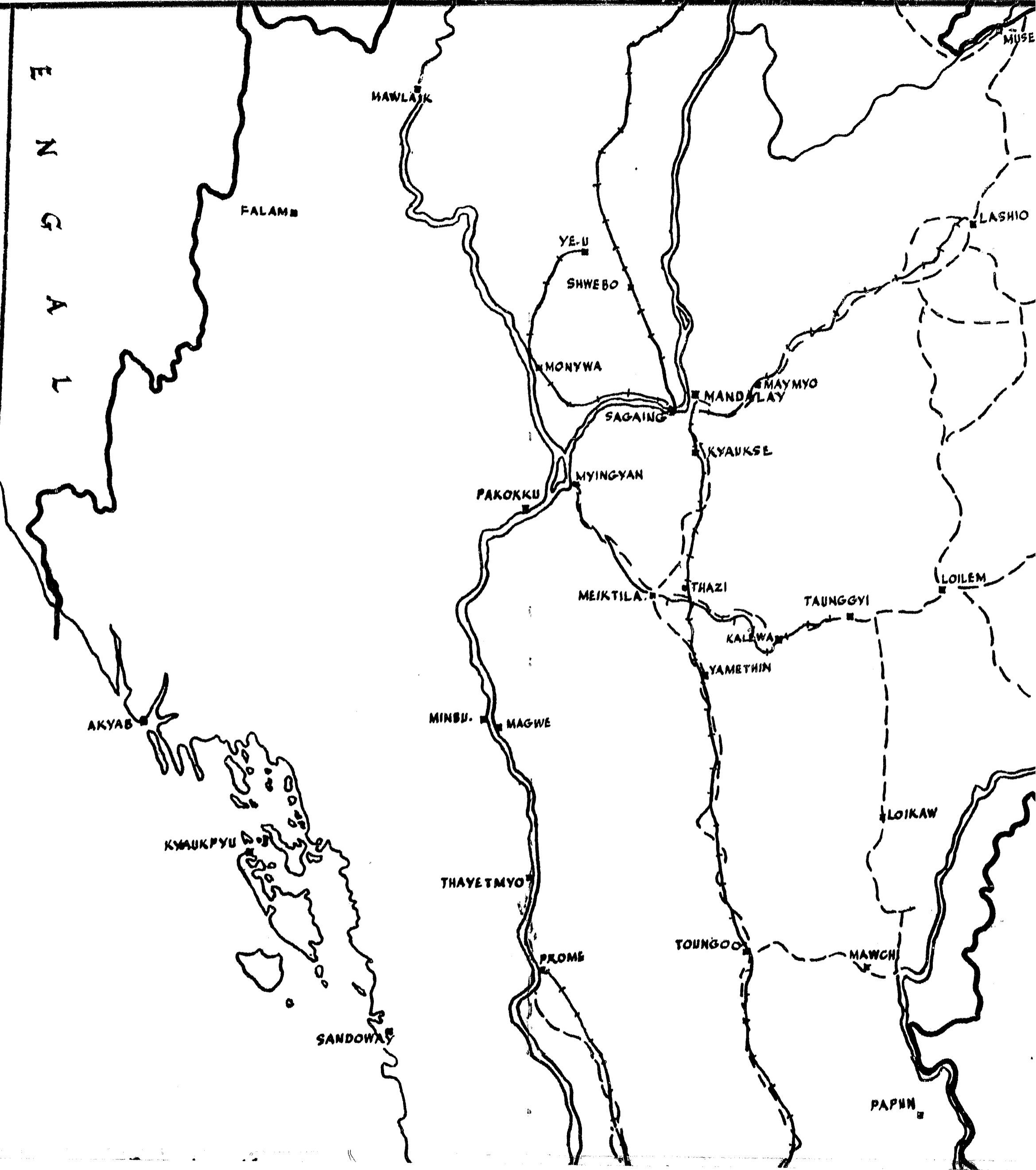
ANNEXURE 'B'

BURMA

CEASE FIRE
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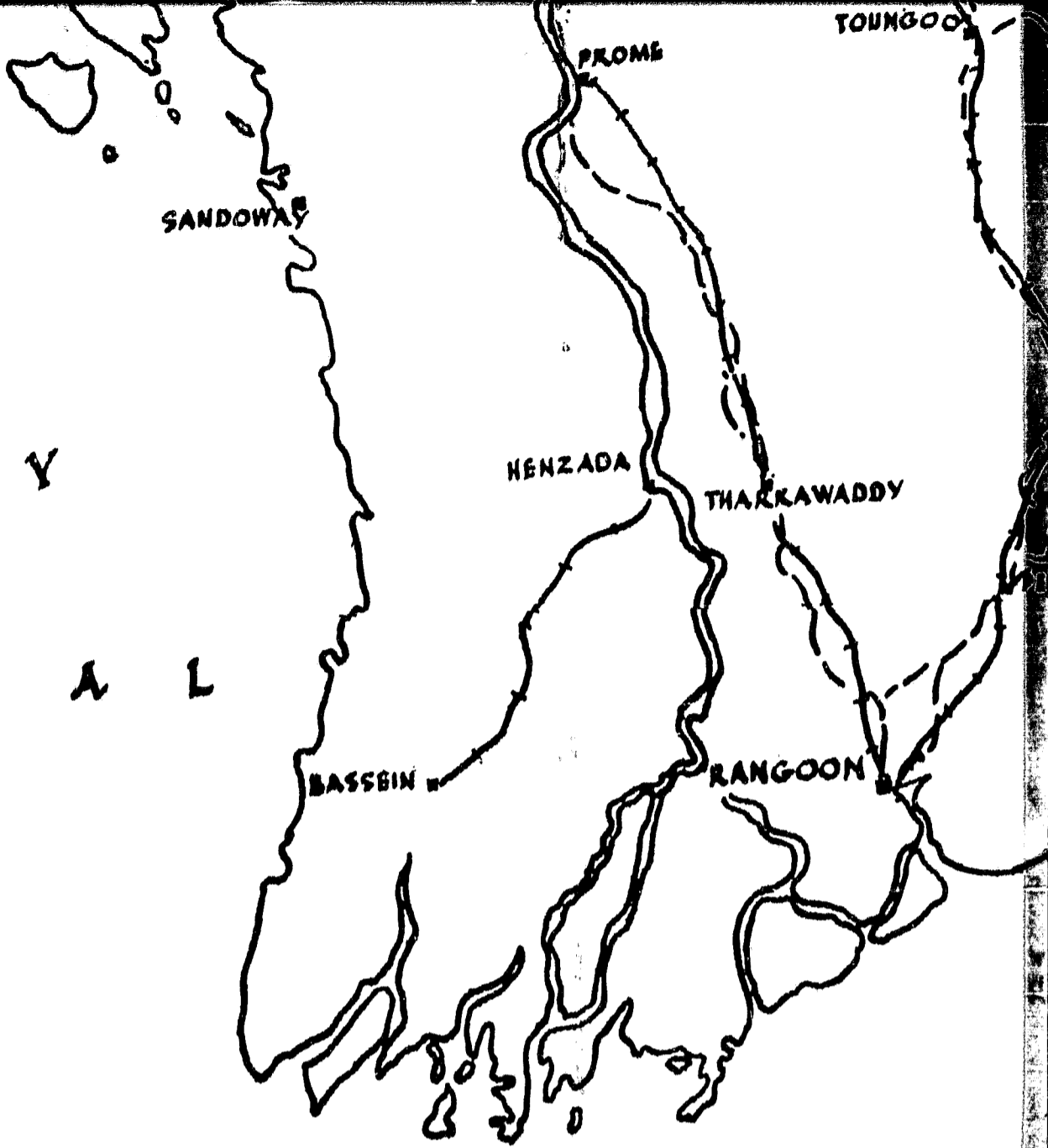


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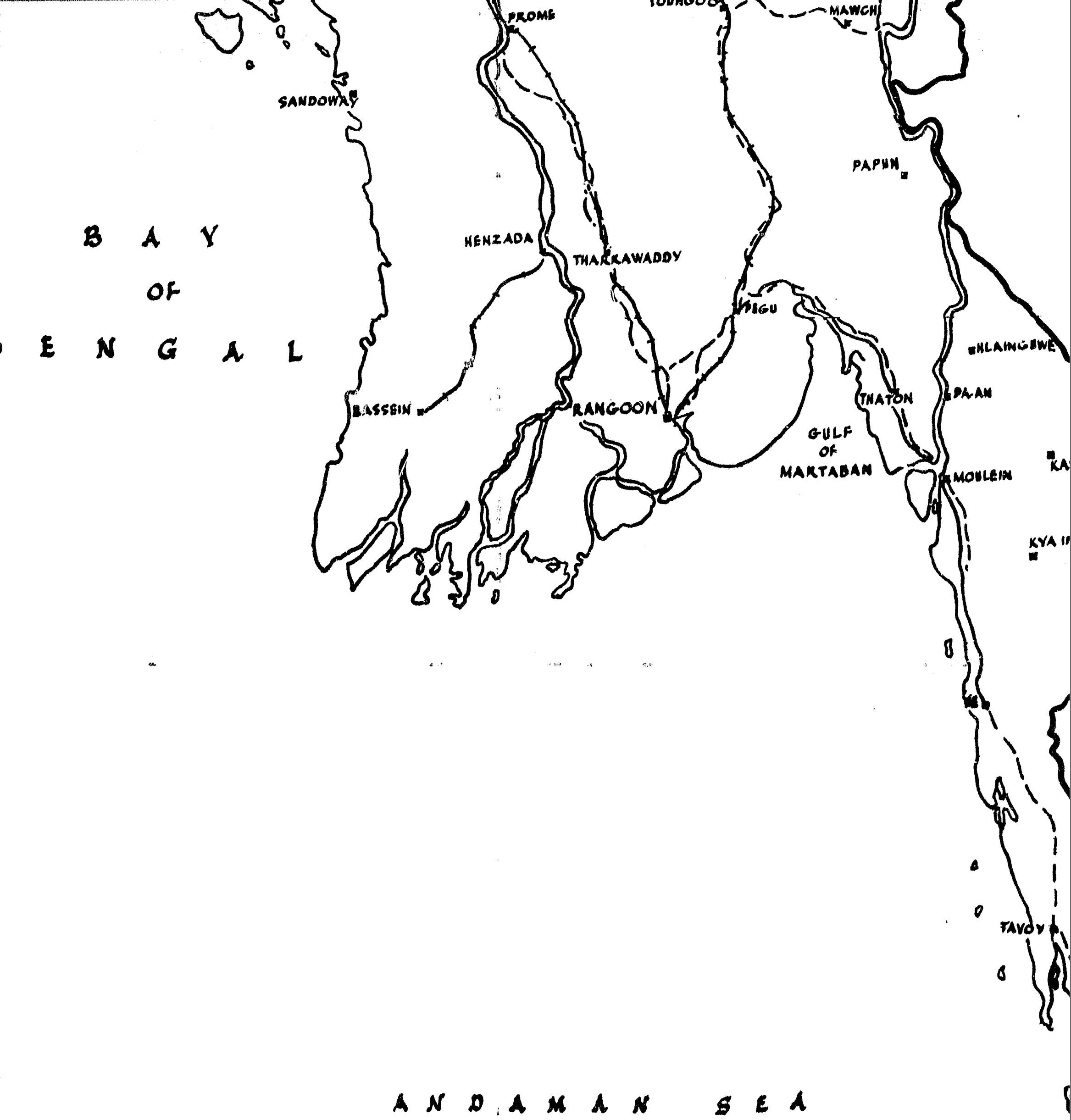




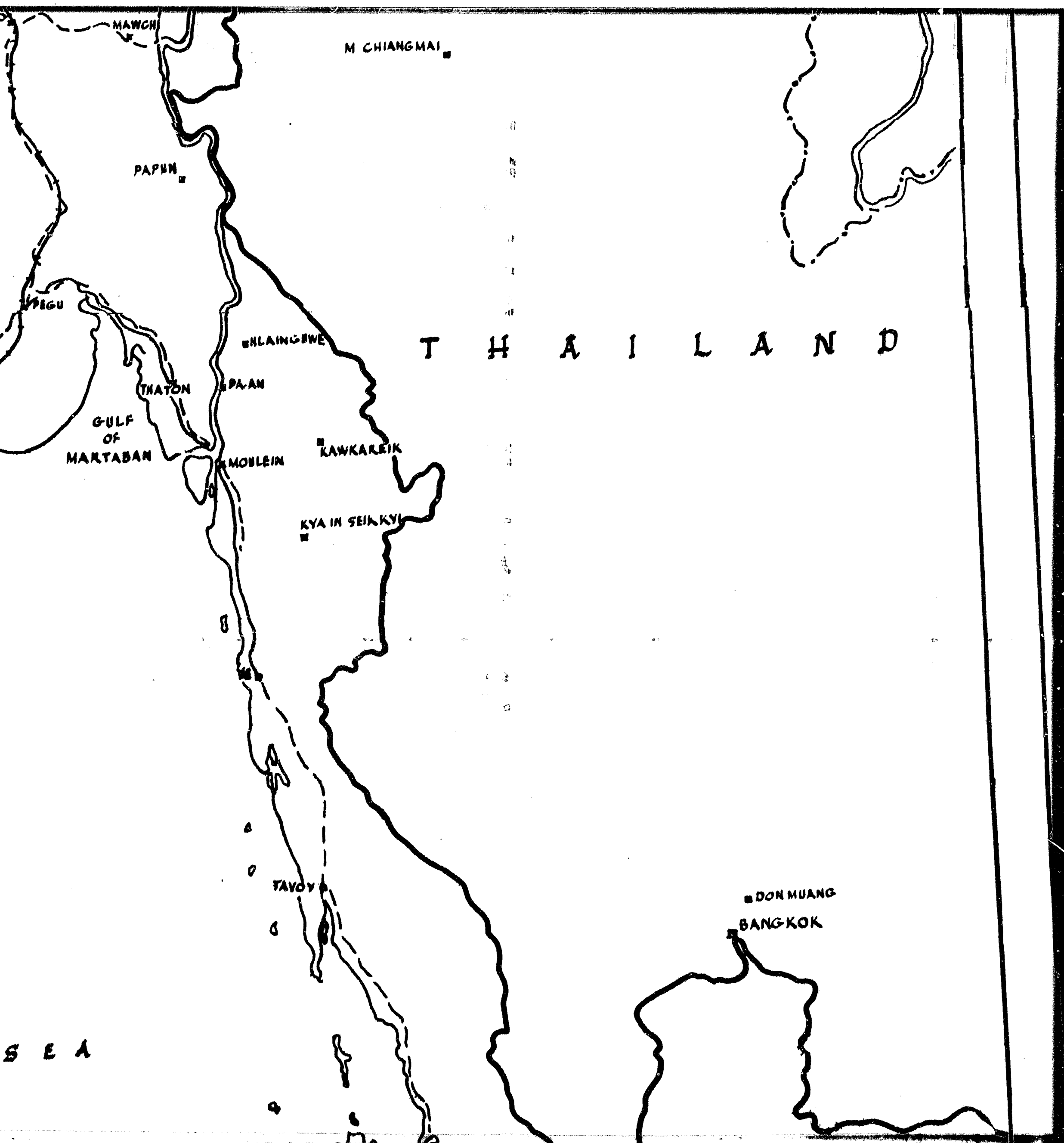
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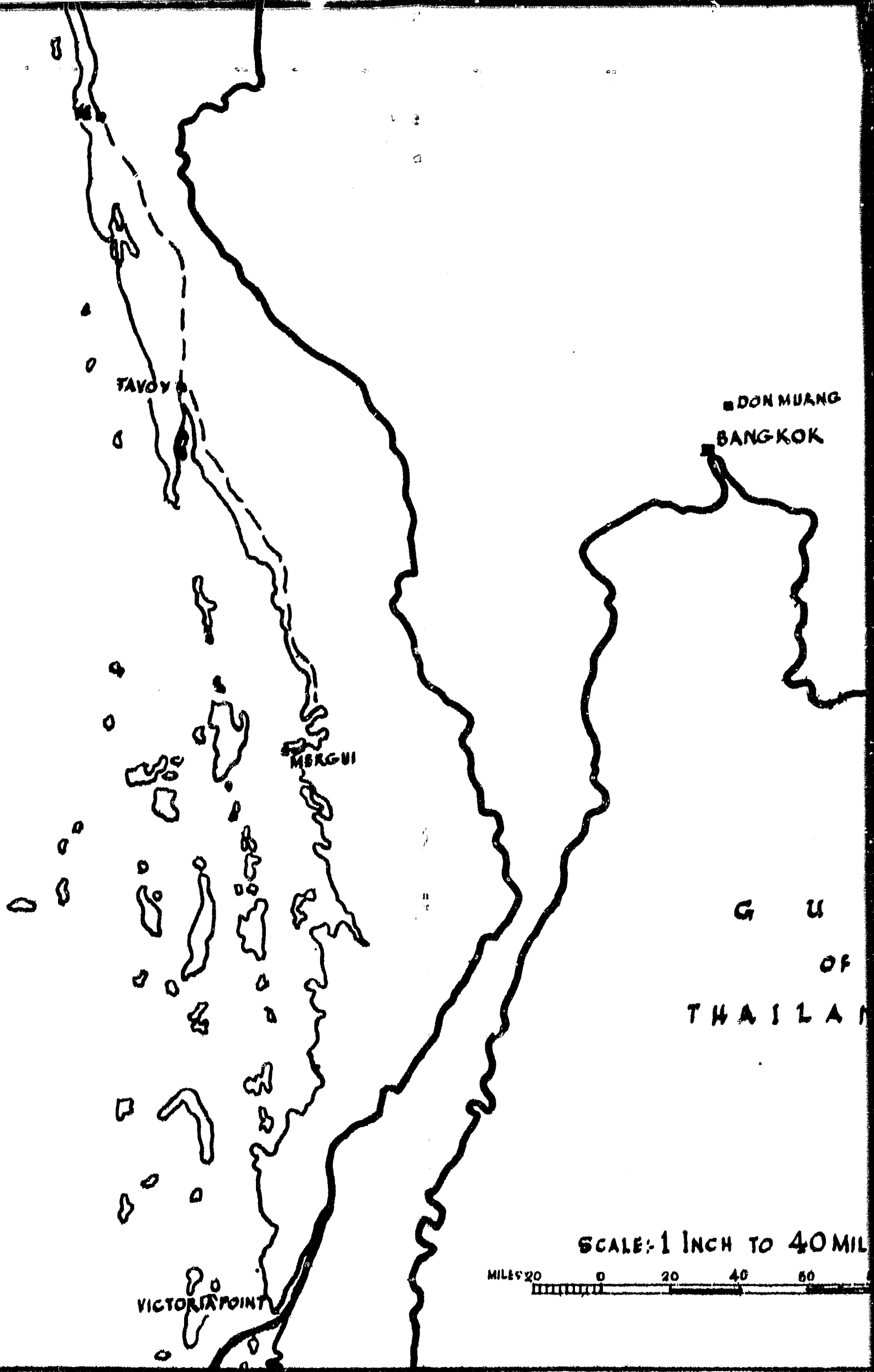
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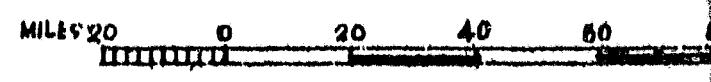
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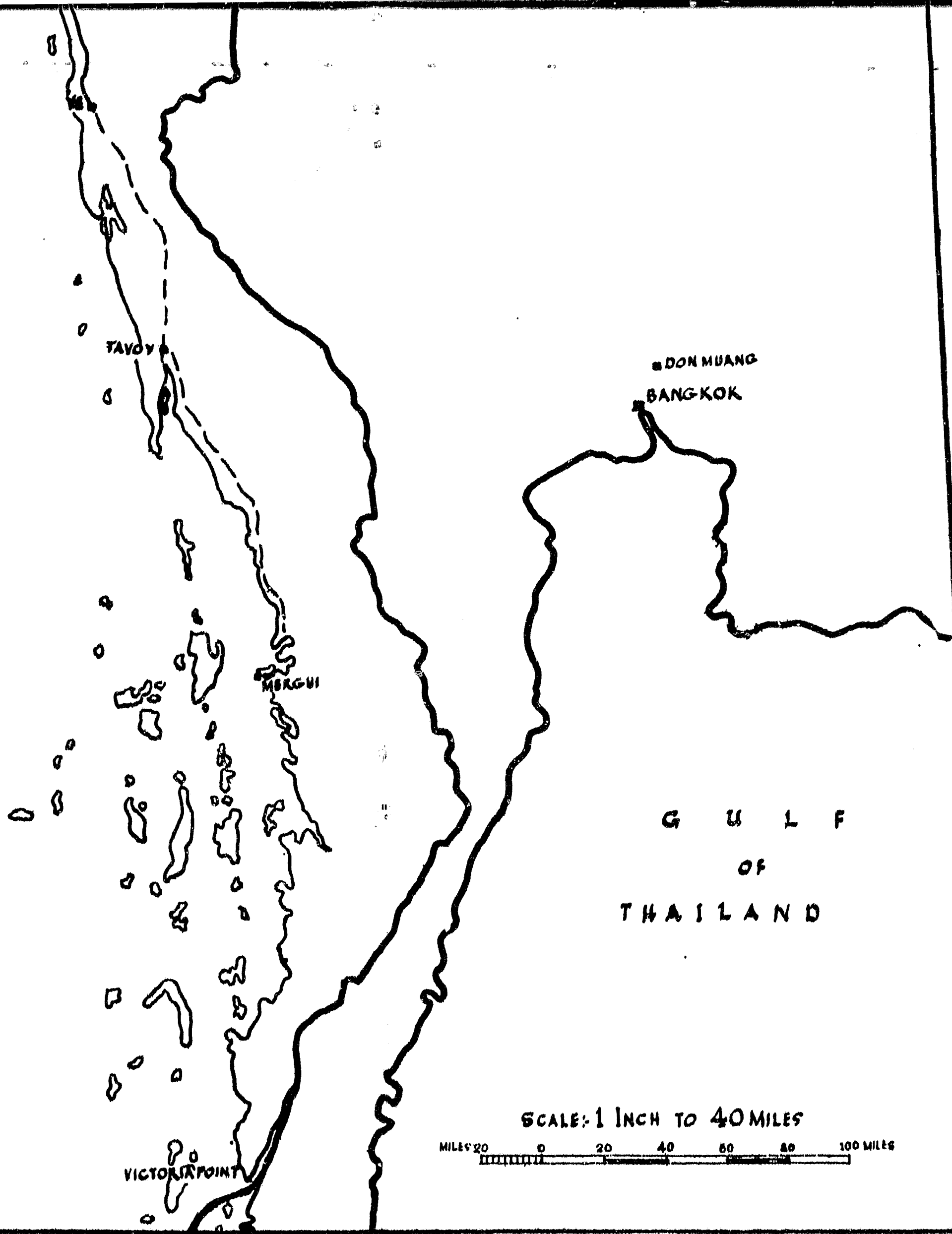
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JUN 16 1954

Agenda item 26: Economic development of under-developed countries:

- (a) Question of establishing a special fund for grants-in-aid and for low-interest long-term loans: report of the Economic and Social Council;
- (b) Status of the proposal for the establishment of an international finance corporation: report of the Economic and Social Council

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Report of the Working Group

[Original text: English]
[19 November 1953]

1. The Working Group set up by the Second Committee at its 270th meeting held ten meetings on 3, 4, 5, 6, 7, 17, 18 and 19 November 1953. Representatives of the following countries attended the Working Group meetings: Belgium, Brazil, the Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Denmark, Egypt, France, Greece, Haiti, India, Indonesia, Iraq, Mexico, the Netherlands, Pakistan, the Philippines, Poland, Saudi Arabia, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia. At the request of the Working Group the Chairman of the Second Committee presided. The Working Group had before it the following documents: A/C.2/L.204, A/C.2/L.205, A/C.2/L.206/Rev.1, A/C.2/L.207 and A/C.2/L.208.

2. The Working Group agreed to submit the following draft resolution to the Second Committee:

The General Assembly,

Having considered the Report on a Special United Nations Fund for Economic Development (E/2381) prepared by the Committee of Nine appointed by the Secretary-General, and submitted in pursuance of Economic and Social Council resolution 416 A (XIV) of 23 June 1952 and General Assembly resolution 622 A (VII) of 21 December 1952,

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,

Believing that, especially in the present state of world tension, the social and economic advancement of the under-developed countries can contribute towards the achievement of international peace and security,

Confident that an expanded flow of capital to under-developed countries would contribute to the solution of the basic economic problems of our time, both for under-developed and developed countries,

Considering that the use of international machinery for financially assisting the acceleration of the economic development of the under-developed countries contributes to the achievement of an expanding and stable world economy,

Noting that the efforts made and the activities undertaken so far by and under the United Nations for the economic development of the under-developed countries have proved beneficial and represent a marked advance in economic co-operation among nations,

Bearing in mind the recommendations contained in Economic and Social Council resolution 482 A (XVI) of 4 August 1953 relating to a special United Nations fund,

Considering that the General Assembly should keep under review the question of the establishment of a special fund and, in particular, be attentive to any changes, either in world conditions or in the attitudes of the governments of Member States, which might be propitious to the establishment of such a fund in the near future,

Hopeful that conditions favourable to the establishment of an international fund will be created in the near future and that savings from internationally supervised worldwide disarmament will provide additional means for financing the economic development of under-developed countries, and will further the aims and objectives of such a fund ;

1. *Expresses* its great appreciation of the work of the Committee of Nine ;

2. *Invites* governments of States members of the United Nations and of the specialized agencies in the economic and social field to transmit to the Secretary-General their detailed comments both on the recommendations contained in the report of the Committee of Nine and on the degree of moral and material support which may be expected from them for such a fund ;

3. *Decides* to appoint the present President of the Economic and Social Council, Mr. Raymond Scheyven, to examine, with the assistance of the Secretary-General, the comments of governments submitted in response to the invitation contained in the preceding paragraph ; to collate and where he judges necessary to request elaboration of such comments, if desirable by direct consultation with governments ; and to submit to the Economic and Social Council at its eighteenth session an interim report on his work and in any event to submit to the General Assembly at its ninth session a final report together with his comments, with a view to assisting it to make such recommendations as it would find possible which could facilitate the establishment of such a fund as soon as circumstances permit ;

4. *Requests* the Secretary-General to ;

(a) Provide Mr. Scheyven with all necessary assistance and facilities ;

(b) Transmit to the governments specified in paragraph 2 above the report of the Committee of Nine, together with the records of the discussion on the subject at the eighth session of the General Assembly ;

(c) Circulate as soon as possible to the governments specified in paragraph 2 above (i) the comments submitted in response to that paragraph, and (ii) the final report of Mr. Scheyven ; and submit a summary of the comments of governments to the General Assembly at its ninth session ;

(d) Prepare a working paper, for submission to the Economic and Social Council, on the extent and methods of co-ordination which may be desirable or necessary between the activities of such a fund, the Technical Assistance Board and such of the specialized agencies as may be engaged in tasks relating to the economic development of under-developed countries ;

5. *Requests* the Economic and Social Council to study at its eighteenth session the working paper referred to in paragraph 4 (d) above and to transmit it, together with its views, to the General Assembly at its ninth session ;

6. *Decides* to include in the agenda of the ninth session of the General Assembly a separate item for the consideration of the results of the steps provided for above.

The twenty-Power draft resolution (A/C.2/L.206/Rev.1), the amendments thereto (A/C.2/L.207) and the three-Power draft resolution (A/C.2/L.205) were then withdrawn by their respective sponsors.

3. The Working Group also had a brief exchange of views on the United States draft resolution (A/C.2/L.204), to which an amendment had been presented (A/C.2/L.208). The text of the draft resolution, however, remained unchanged for the consideration of the Committee.

4. The Working Group was informed by the Secretary of the Committee that, in accordance with rule 152 of the rules of procedure, a paper giving an estimate of expenditures involved in the Working Group's draft resolution would be presented to the Committee (A/C.2/L.212/Add.1). It was the understanding of the Working Group that in operative paragraph 3 the words "by direct consultation with governments" included the possibility of personal visits by the appointee, and reference will be made to such travel in the Secretariat's paper.

DOCUMENT A/C.2/L.213

Report of the Working Group

[Original text : English]
[20 November 1953]

1. The Working Group set up by the Second Committee at its 274th meeting held two meetings on 19 and 20 November 1953 under the chairmanship of the Chairman of the Second Committee. Representatives of the following countries attended the Working Group meetings : Australia, Belgium, Brazil, Canada, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, France, Greece, India, Indonesia, Iraq, Mexico, the Netherlands, Norway, Pakistan, the Philippines, Poland, Saudi Arabia, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia. The Working Group had

before it the following documents : A/C.2/L.209/Rev.1, A/C.2/L.210 and A/C.2/L.211.

2. The Working Group agreed to submit the following draft resolution to the Second Committee.

FINANCING ECONOMIC DEVELOPMENT

The General Assembly,

Bearing in mind that the general problem of economic development of the under-developed countries concerns both the under-developed and the more developed countries,

Mindful that the economic development of the under-developed countries depends primarily on their own efforts and resources,

Recognizing, however, that financial resources at present available in the under-developed countries are inadequate to finance the desired rate of economic development,

Believing that additional external resources, both private and public, made available, as appropriate, within or without the framework of the United Nations, would greatly aid the under-developed countries in financing their development programmes,

I

Bearing in mind General Assembly resolution 622 B (VII) of 21 December 1952 and Economic and Social Council resolutions 416 C (XIV) and 482 B (XVI) of 23 June 1952 and 4 August 1953 respectively,

Having considered the reports of the International Bank for Reconstruction and Development on the question of creating an international finance corporation (E/2215 and E/2441),

Bearing in mind that the consultations and study requested below might indicate the practicability of establishing such a finance corporation in the near future,

1. *Expresses its appreciation* of the useful contribution the International Bank has made to the study of the question ;

2. *Emphasizes* the beneficial effects the proposed corporation could have in so far as it would promote the mobilization of additional domestic resources in the under-developed countries and the flow of external capital into these countries in order to augment the financial resources for their economic development ;

3. *Urges* governments which have not done so to give early consideration to the merits of establishing an international finance corporation and to make known to the International Bank their views on the possibility of supporting such a corporation in time for the Bank to take them into consideration when preparing its report to the eighteenth session of the Economic and Social Council, as foreseen in paragraph 4 below ;

4. *Requests* the International Bank to :

(a) Analyse in detail the questions raised and the views expressed by governments and non-governmental institutions concerning the methods of furnishing the capital

for an international finance corporation, its functions and operation ;

(b) Conduct its consultations in a more intensive manner on the question of the creation of an international finance corporation and on the prospects of financial support for it ;

(c) Report to the Economic and Social Council at its eighteenth session on the subjects referred to it in subparagraphs (a) and (b) above ;

5. *Requests* the Economic and Social Council to review at its eighteenth session the reports of the International Bank on the question of creating an international finance corporation and to report thereon to the General Assembly during its ninth session ;

II

Recognizing the importance of finding means to stimulate the flow of external private capital to the under-developed countries in order to accelerate their development,

Mindful of General Assembly resolution 622 C (VII) of 21 December 1952,

Requests that the study which is being prepared by the Secretary-General pursuant to General Assembly resolution 622 C (VII) on the general role of private external capital be examined by the Economic and Social Council during its seventeenth session, with a view to ascertaining under what conditions the flow into under-developed countries of private capital can effectively contribute to the harmonious and adequate integration of the economies of those countries and to their economic and social development ;

III

Recognizing the importance of fluctuations in the terms of trade and the effect of these fluctuations on the financing of the economic development of the under-developed countries,

Requests the Economic and Social Council to consider at its seventeenth session the report to be prepared by the group of experts appointed pursuant to General Assembly resolution 623 (VII) of 21 December 1952 and to make such recommendations as it may find desirable for consideration by the General Assembly at its ninth session.

The eighth-Power draft resolution (A/C.2/L.209/Rev.1) and the amendments thereto (A/C.2/L.210 and A/C.2/L.211) were then withdrawn by their respective sponsors.

DOCUMENT A/2587

Thirtieth report of the Advisory Committee on Administrative and Budgetary Questions to the eighth session of the General Assembly : financial implications of draft resolution II proposed by the Second Committee (A/C.2/L.217)

[Original text : English]
[1 December 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has considered, in accordance with rule 152 of the rules of procedure of the General Assembly, the financial implications of a draft resolution proposed by the Second Committee on the question of establishing a special fund for grants-in-aid and for low-interest long-term loans, with a view to the economic development of under-developed countries (A/C.2/L.217, draft resolution II).

2. The statement submitted by the Secretary-General in document A/C.2/L.212/Add.1 comprises two main items of estimated additional expenditure on the 1954 budget :

	\$
(a) Travel and subsistence expenses of the person appointed to undertake the tasks referred to in paragraph 3 of the draft resolution	5,600*
(b) Printing of final report of the person appointed and of a summary of the comments of governments	5,500*
	TOTAL ADDITIONAL COST \$11,100

* Appropriation, section 1.
* Appropriation, section 26.

3. The above items appear to be reasonably estimated, and the Advisory Committee accordingly recommends that, in the event of the adoption of the draft resolution, the amounts listed should be appropriated under the respective sections of the 1954 budget. The Committee

points out, however, that the total financial implications exceed the above figure of \$11,100 in the certain other activities or projects for which no additional provision is requested are foreseen in paragraph 1 (b), (c) and (d) of the Secretary-General's statement (A/C.2/L.212/Add.1).

DOCUMENT A/2590

Report of the Second Committee

[Original text: English]
[2 December 1953]

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, allocated to the Second Committee the agenda item "Economic development of under-developed countries: (a) Question of establishing a special fund for grants-in-aid and for low-interest long-term loans: report of the Economic and Social Council; (b) Status of the proposal for the establishment of an international finance corporation: report of the Economic and Social Council".

2. The Second Committee agreed, at its 248th meeting, that the general debate on item 26 should not be limited to an expression of views on the two aspects of the item as indicated above, but that members should speak to and present any proposals that they might have concerning any aspect of the question of economic development of under-developed countries. The Committee also agreed that, in connexion with its consideration of the item, it would be appropriate to discuss chapter III of the report of the Economic and Social Council (A/2430)¹ simultaneously with item 26, and that comments could also be made on such sections of chapter II of the Council's report as were relevant to the item under discussion. The Committee considered item 26 during twenty-six meetings (A/C.2/SR.257-282). The first thirteen meetings were devoted to the general debate, in which forty-two delegations took part.

3. The Committee received four specific proposals: three on the question of establishing a special fund for grants-in-aid and for low-interest long-term loans (A/C.2/L.204, A/C.2/L.205 and A/C.2/L.206); and one on the status of the proposal for the establishment of an international finance corporation (A/C.2/L.209).

QUESTION OF ESTABLISHING A SPECIAL FUND FOR GRANTS-IN-AID AND FOR LOW-INTEREST LONG-TERMS LOANS: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

4. The Second Committee had before it the following three draft resolutions and amendments:

(1) A draft resolution submitted by the United States of America (A/C.2/L.204) in accordance with which the General Assembly, looking forward to the time when sufficient progress in internationally supervised world-wide disarmament would make it propitious to devote additional resources to assist development and reconstruction, particularly in the under-developed countries, would adopt the following declaration:

"We, the governments of the States Members of the United Nations, in order to promote higher standards of living and conditions of economic and social progress and development, stand ready to ask our peoples, when sufficient progress has been made in internationally supervised world-wide disarmament, to devote a portion

of the savings achieved through such disarmament to an international fund, within the framework of the United Nations, to assist development and reconstruction in under-developed countries."

At its 270th meeting, the Committee received an amendment (A/C.2/L.208) submitted by Egypt to the United States draft resolution (A/C.2/L.204) proposing to add in the third paragraph of the preamble after the word "resources", the words "to a special fund".

(2) A draft resolution submitted by Greece, Haiti and Pakistan (A/C.2/L.205) by which the General Assembly, having considered the *Report on a Special United Nations Fund for Economic Development* prepared by a committee of nine experts appointed by the Secretary-General pursuant to Economic and Social Council resolution 416 A (XIV), and considering that the establishment of the fund need not be dependent only on internationally supervised world-wide disarmament and confident that favourable conditions necessary for the establishment of the fund would be created in the near future, would (a) request the Secretary-General to transmit to the governments of Member States the report of the committee of experts and to invite their detailed comments, to be received for consideration by the Economic and Social Council not later than its eighteenth session, on the creation of the fund and on the extent to which they were in a position to contribute to its establishment; (b) request the Council to study these comments and in their light to submit to the General Assembly at its ninth session recommendations concerning the practical steps that could be taken to set up the fund as soon as circumstances permitted; and (c) recommend, meanwhile, that all countries should give special consideration to the views expressed on this question at the eighth session with a view to the creation of the fund as soon as circumstances permitted.

(3) A draft resolution submitted by Afghanistan, Bolivia, Brazil, Burma, Chile, Colombia, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, the Philippines, Saudi Arabia, Syria, Venezuela, Yemen and Yugoslavia (A/C.2/L.206) by which the General Assembly, looking forward to the possibility of circumstances permitting the establishment of such an international fund independently of disarmament, would (a) express its high appreciation of the work of the Committee of Nine; (b) appoint, who would, if necessary by personal visit, explain and further the idea of such a fund in different countries, ascertaining the extent and amount of moral and material support and adherence which might be expected from them, and report to the General Assembly during its ninth session; (c) request the Secretary-General to (i) provide with all necessary assistance and facilities; (ii) forward to the governments of the States Members of the United Nations, along with the records of the discussions on the subject in the sixteenth session of the Economic and Social Council and in the Second Committee of the General

¹ See *Official Records of the General Assembly, Eighth Session, Supplement No. 3.*

ral Assembly during its present session, the *Report on a Special United Nations Fund for Economic Development*, and invite their detailed comments on the report and present a summary thereof so as to enable the General Assembly to consider them during its ninth session and, on the basis of the report and of the comments received, to take practical steps for the drafting of the statutes of the fund preparatory to its establishment as soon as circumstances permitted; and (iii) prepare a working paper, in time for consideration by the General Assembly during its ninth session, on the extent and methods of co-ordination which might be desirable or necessary between the activities of the fund, the Technical Assistance Board and such of the specialized agencies as might be engaged in tasks relating to the economic development of under-developed countries; and (d) decide to include in the agenda of the ninth session of the General Assembly a separate item for consideration of the results of the preparatory steps hereby requested and decided upon.

At its 266th meeting, the Committee received amendments to the twenty-Power draft resolution submitted by the Netherlands (A/C.2/L.207) proposing the revision of the preamble, the replacement of paragraphs 2, 3 (a) and 3 (b) of the operative part by the following:

"2. *Invites* governments members of the United Nations and of the specialized agencies in the economic and social field to transmit to the Secretary-General their detailed comments both on the recommendations contained in the report and on the possibility of establishing such a fund on a realistic basis;

"3. *Decides* that a small contact group composed of persons of high standing shall be appointed to consider the comments of governments, to consult, if necessary by personal visit, with governments in those cases where the group in the light of the comments made by a government considers consultation to be desirable, and to report to the eighteenth session of the Economic and Social Council so as to enable the Council to make recommendations that could facilitate and accelerate the establishment of such a fund and to report to the ninth session of the General Assembly;

"4. *Requests* the Secretary-General to:

"(a) Transmit to the governments specified in paragraph 2 above the report together with the records of the discussion on the subject in the Second Committee of the General Assembly during its present session;

"(b) Appoint the members of the contact group and to facilitate its work in every way; and

"(c) Present a summary of the comments made by governments to the eighteenth session of the Economic and Social Council;"

and the substitution in paragraph 3 (c) (renumbered 4 (d) in the amendment) for the words "General Assembly during its ninth session" of the words "Economic and Social Council at its eighteenth session".

At its 267th meeting, the Committee had before it a revised text of the twenty-Power draft resolution (A/C.2/L.206/Rev.1) which took into account some of the amendments proposed by the Netherlands, added two new paragraphs at the end of the preamble and modified the operative part to read as follows:

"1. *Expresses* its high appreciation of the work of the committee;

"2. *Invites* governments of States members of the United Nations and of the specialized agencies in the economic and social field to transmit to the Secretary-General their detailed comments both on the recommendations contained in the report and on the degree of moral and material support and adherence which may be expected from them for such a fund;

"3. *Decides* that a small contact group composed of persons of high standing shall be appointed by the

General Assembly to consider the comments of governments, to consult, if necessary by personal visit, with governments in those cases where the group, in the light of the comments made by a government, considers consultation to be desirable, and to report to the ninth session of the General Assembly so as to enable the Assembly to make recommendations that could facilitate and accelerate the establishment of such a fund;

"4. *Requests* the Secretary-General to:

"(a) Provide the contact group with all necessary assistance and facilities;

"(b) Transmit to the governments specified in paragraph 2 above the report together with the records of the discussion on the subject in the Second Committee of the General Assembly during its present session;

"(c) Present a summary of the comments made by governments to the ninth session of the General Assembly; and

"(d) Prepare a working paper, for submission to the ninth session of the General Assembly, on the extent and methods of co-ordination which may be desirable or necessary between the activities of the fund, the Technical Assistance Board and such of the specialized agencies as may be engaged in tasks relating to the economic development of under-developed countries;

"5. *Decides* to include in the agenda of the ninth session of the General Assembly a separate item for consideration of the results of the preparatory steps requested and decided upon above."

5. The Committee agreed, at its 270th meeting, to establish a working group which would have as a primary reference the three-Power draft resolution (A/C.2/L.205), the twenty-Power revised draft resolution (A/C.2/L.206/Rev.1) and the amendments thereto (A/C.2/L.207), with the understanding that if, in the course of its work, the group should find it had to deal also with the United States draft resolution (A/C.2/L.204) and the Egyptian amendment thereto (A/C.2/L.208), the group should bring them under survey as well.

6. The working group, presided over by the Chairman of the Committee, held ten meetings between 3 and 19 November 1953 and submitted to the Committee the draft resolution contained in its report (A/C.2/L.212 and Corr.1). The twenty-Power revised draft resolution (A/C.2/L.206/Rev.1), the amendments thereto (A/C.2/L.207) and the three-Power draft resolution (A/C.2/L.205), which had been referred to the working group, were then withdrawn by their respective sponsors. As regards the United States draft resolution (A/C.2/L.204), to which an amendment had been presented by Egypt (A/C.2/L.208), the working group, after a brief exchange of views, agreed that the text of this draft resolution should remain unchanged for consideration by the Second Committee.

7. In connexion with the working group draft resolution, the Committee received a statement of financial implications (A/C.2/L.212/Add.1) submitted by the Secretary-General in accordance with rule 152 of the rules of procedure of the General Assembly.

8. The draft resolution contained in the report of the working group (A/C.2/L.212 and Corr.1), the United States draft resolution (A/C.2/L.204) and the amendment thereto by Egypt (A/C.2/L.208) were discussed at the Committee's 275th to 277th meetings. At the 275th meeting, the representative of Egypt withdrew his amendment to the United States draft resolution. Also at this meeting the Committee received an amendment (A/C.2/L.214) submitted by Czechoslovakia to the working group draft resolution proposing to add at the end of the fourth paragraph of the preamble "it being understood in this

connexion that foreign capital investments should not be made conditional on any demands for economic, political or military privileges". At the 276th meeting the following verbal amendments were submitted to the working group draft resolution:

(a) By the representative of Cuba, to add a new paragraph at the end of the preamble to read as follows:

"Reaffirming the principles contained in Articles 1, paragraph 3, and 13, paragraph 1 (b), of the Charter and the guiding principle expressed by the Economic and Social Council in resolution 368 (XIII), namely, that international financial assistance and foreign investments should not be used as a basis for interference in the internal affairs or national policies of any State".

(b) By the representative of France, to insert in the fourth paragraph of the preamble, after the words "expanded flow of capital to under-developed countries" the following: "in conformity with the Principles and Purposes of the United Nations Charter".

(c) By the representatives of India and Saudi Arabia, to delete the fourth paragraph of the preamble.

The Committee agreed at the same meeting, on a motion by the representative of the Netherlands, to refer the amendment by Czechoslovakia (A/C.2/L.214) and the verbal amendments listed above to the working group previously set up at the Committee's 270th meeting.

9. The working group held its eleventh meeting on 24 November 1953. It agreed, after an exchange of views, that the amendment by Czechoslovakia (A/C.2/L.214) and the verbal amendment by France (subsequently circulated as A/C.2/L.215) should remain unchanged for consideration by the Second Committee.

10. At the 277th meeting of the Committee, the representative of Egypt proposed a sub-amendment to the amendment by France (A/C.2/L.215) replacing the words "in conformity with the Principles and Purposes of the United Nations Charter" by the words "within the framework of the United Nations". After a procedural debate, the representative of France withdrew his amendment and the representative of Cuba, who had already withdrawn his amendment in the working group, withdrew his amendment formally in the Committee. The verbal amendment by India and Saudi Arabia, which had been withdrawn by Saudi Arabia, was reintroduced by Pakistan. The Committee, at the same meeting, adopted, by 24 votes to 13, with 12 abstentions, a motion by the representative of Cuba to close the debate on the draft resolutions and amendments submitted under this sub-item.

11. The Committee, having rejected, by 21 votes to 10, with 19 abstentions, a motion by the representative of the Philippines to vote on the draft resolution contained in the working group's report (A/C.2/L.212 and Corr.1) before the United States draft resolution (A/C.2/L.204), voted on the draft resolutions and amendments before the Committee with the following results.

12. The United States draft resolution (A/C.2/L.204) was adopted by 41 votes to none, with 13 abstentions. The text of the draft resolution is reproduced as draft resolution A below.

13. The draft resolution contained in the working group's report (A/C.2/L.212 and Corr.1) and the amendments thereto were voted upon with the following results:

(a) The verbal amendment by Pakistan to delete the fourth paragraph of the preamble was rejected by 28 votes to 4, with 23 abstentions.

(b) The amendment by Czechoslovakia (A/C.2/L.214), on which a roll-call vote had been requested by the representative of Poland, was rejected by 26 votes to 7,

with 22 abstentions. A substantial number of members of the Committee expressed their agreement with the principle contained in the amendment as being in conformity with the purposes of the Charter. The Committee, however, did not deem it necessary to incorporate the uncontested principle in the body of the resolution for various reasons which were explained at great length in the meetings of the Committee.

(c) The draft resolution contained in A/C.2/L.212 and Corr.1 was voted upon paragraph by paragraph at the request of the representative of Czechoslovakia. The representative of Poland asked for a separate vote on sub-paragraph 4 (a) of the operative part.

Preamble:

The first paragraph was adopted unanimously.

The second paragraph was adopted unanimously.

The third paragraph was adopted unanimously.

The fourth paragraph was adopted by 46 votes to none, with 7 abstentions.

The fifth paragraph was adopted by 50 votes to none, with 5 abstentions.

The sixth paragraph was adopted by 50 votes to none, with 5 abstentions.

The seventh paragraph was adopted by 50 votes to none, with 5 abstentions.

The eighth paragraph was adopted unanimously.

The ninth paragraph was adopted by 50 votes to none, with 5 abstentions.

Operative part:

Paragraph 1 was adopted by 50 votes to none, with 5 abstentions.

Paragraph 2 was adopted by 50 votes to none, with 5 abstentions.

Paragraph 3 was adopted by 50 votes to none, with 5 abstentions.

Sub-paragraph (a) of paragraph 4 was adopted by 50 votes to none, with 5 abstentions.

Sub-paragraphs (b), (c) and (d) of paragraph 4 were adopted unanimously.

Paragraph 5 was adopted unanimously.

Paragraph 6 was adopted unanimously.

The draft resolution as a whole was adopted by 50 votes to none, with 5 abstentions.

The text of the draft resolution is reproduced as draft resolution B below.

STATUS OF THE PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL FINANCE CORPORATION: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

14. The Committee had before it, at its 271st meeting, a draft resolution submitted by Costa Rica, Cuba, Ecuador, Egypt, Indonesia, Iraq, Pakistan and Saudi Arabia (A/C.2/L.209) by which, in section I, the General Assembly would (a) commend the International Bank for Reconstruction and Development for its efforts and express its appreciation of the Bank's reports on the proposed international finance corporation; (b) emphasize the beneficial effects the proposed corporation would have on the mobilization of financial resources in developed and under-developed countries in order to ensure additional resources for financing economic development in the under-developed countries; (c) look forward to the establishment, as soon as circumstances permitted, of an international finance corporation; (d) request the Bank to intensify its activities to seek the participation of public and private financial resources in furnishing the capital for an international finance corporation as envisaged in the Bank's report on the proposed international finance corporation, and, with that end in view: (i) to analyse in detail the views expressed by governments and private financing circles concerning the methods of furnishing the capital for an international

finance corporation, its function and operation; (ii) to conduct its consultations for the establishment of an international finance corporation and for securing its initial capital in a more intensive manner, and to report to the Economic and Social Council at its eighteenth session; and (e) request the Economic and Social Council to review at its eighteenth session the reports of the Bank on the proposed international finance corporation with a view to recommending the drafting of its statute and to report thereon to the General Assembly during its ninth session. In section II, the General Assembly would request that the study which was being prepared by the Secretary-General, pursuant to General Assembly resolution 622 C (VII), on the general role of private external capital should be examined by the Economic and Social Council during its seventeenth session with a view to recommending effective means through which external private capital would be made more readily available to under-developed countries. In section III, the Assembly would urge Member States to create favourable conditions conducive to the development of more liberal trade relations among them, and to adjust as much as was practicable any existing disequilibrium in the terms of trade and payments between the highly developed and under-developed countries, in order to create circumstances in which sources of additional capital would be more adequately available to under-developed countries.

15. The Committee, at its 272nd and 273rd meetings, received amendments to the eight-Power draft resolution submitted by:

(a) Czechoslovakia (A/C.2/L.210), proposing to retain the text of the third paragraph of section II of the draft resolution, up to and including the words "seventeenth session", and to delete the remainder of the paragraph.

(b) Belgium, Denmark, Norway, Sweden and the United States of America (A/C.2/L.211), proposing to modify the third and fourth paragraphs of the preamble; in section I, operative paragraph 1, to replace the word "proposed" by the words "proposal for an"; in operative paragraph 2, to replace the words "the beneficial effects the proposed corporation will have on the mobilization of financial resources in developed and under-developed countries in order to ensure additional resources" by "that an international finance corporation could have beneficial effects in so far as it promoted the international flow of private capital"; to replace operative paragraph 3 by the following new paragraph: "Looks forward to the early completion of the studies on an international finance corporation requested of the International Bank"; in operative paragraph 4, to revise the preamble to read "Requests the Bank (a) to press forward with its consultations concerning the prospects of support from public and private financial sources for an international finance corporation as envisaged in the Bank's reports", to reletter sub-paragraph (a) as (b), to insert before the words "views expressed" the words "questions raised and the", and also to replace the words "financing circles" by the word "institutions"; to omit sub-paragraph (b) and substitute a sub-paragraph (c) which would read "to report to the Economic and Social Council at its eighteenth session"; in operative paragraph 5, to replace the word "proposed" by the words "proposal for an", and to omit the words "with a view to recommending the drafting of its statute". In section II, third paragraph of the preamble, the amendments proposed to omit the words "on the general role of private external capital", and to replace the words "with a view to recommending effective means through which external private capital would be made more readily available to under-developed countries" by the words "in order that early attention may be given to the problem of stimulating the

flow of private external capital to under-developed countries". The amendments proposed also to delete section III of the joint draft resolution.

16. At its 274th meeting, the Committee received a revised text (A/C.2/L.209/Rev.1) of the eight-Power draft resolution, in accordance with which the General Assembly would, in section I, (a) express its appreciation of the useful contribution the Bank had made to the study of the question; (b) emphasize the beneficial effects the proposed corporation could have on the mobilization of additional domestic resources in the under-developed countries and on the flow of external capital into these countries in order to augment the financial resources for their economic development; (c) look forward to the establishment, as soon as circumstances permitted, of an international finance corporation; (d) request the Bank to (i) analyse in detail the questions raised and the views expressed by governments and non-governmental institutions concerning the methods of furnishing the capital for an international finance corporation, its functions and operation, (ii) conduct its consultations on the question of the creation of an international finance corporation and securing its initial capital in a more intensive manner, (iii) report to the Economic and Social Council at its eighteenth session on the subjects referred to it in sub-paragraphs (i) and (ii) above; and (e) request the Economic and Social Council to review at its eighteenth session the reports of the Bank on the question of creating an international finance corporation and to report thereon to the General Assembly during its ninth session. In section II, the General Assembly would request that the study being prepared by the Secretary-General, pursuant to General Assembly resolution 622 C (VII), on the general role of private external capital should be examined by the Economic and Social Council during its seventeenth session with a view to ensuring the steady flow into under-developed countries of private capital in adequate amounts, so that it might effectively contribute to the harmonious and adequate integration of the economies of those countries and to their economic and social development. In section III, the General Assembly would request the Economic and Social Council to consider at its seventeenth session the report to be prepared by the group of experts appointed pursuant to General Assembly resolution 623 (VII) and, if possible, to propose recommendations for consideration by the General Assembly at its ninth session.

17. At its 274th meeting the Committee agreed to appoint a working group to consider the revised eight-Power draft resolution (A/C.2/L.209/Rev.1) and the amendments thereto by Czechoslovakia (A/C.2/L.210) and by Belgium, Denmark, Norway, Sweden and the United States of America (A/C.2/L.211).

18. The working group, presided over by the Chairman of the Committee, held two meetings on 19 and 20 November 1953 and agreed to submit to the Committee the draft resolution contained in its report (A/C.2/L.213). The eight-Power draft resolution (A/C.2/L.209/Rev.1) and the amendments thereto (A/C.2/L.210 and A/C.2/L.211) were then withdrawn by their respective sponsors.

19. At the 278th meeting, the representative of Indonesia proposed, and the Committee agreed, to delete the words "to be" before the word "prepared" in the second paragraph of section III of the draft resolution contained in the report of the working group (A/C.2/L.213).

20. At the Committee's 279th meeting, the draft resolution contained in the working group's report (A/C.2/L.213), as amended, was voted upon with the following results. The representative of Poland requested that the draft resolution should be voted upon paragraph by paragraph.

Preamble :

The first paragraph was adopted unanimously.
 The second paragraph was adopted unanimously.
 The third paragraph was adopted unanimously.
 The fourth paragraph was adopted by 36 votes to none, with 5 abstentions.

Section I :

The first paragraph of the preamble was adopted unanimously.

The second paragraph of the preamble was adopted unanimously.

The third paragraph of the preamble was adopted unanimously.

Paragraph 1 was adopted by 44 votes to none, with 5 abstentions.

Paragraph 2 was adopted by 43 votes to none, with 5 abstentions.

Paragraph 3 was adopted by 43 votes to none, with 5 abstentions.

Paragraph 4 was adopted by 44 votes to none, with 5 abstentions.

Paragraph 5 was adopted unanimously.

Section II :

The first paragraph of the preamble was adopted by 44 votes to none, with 5 abstentions.

The second paragraph of the preamble was adopted unanimously.

The operative paragraph was adopted unanimously.

Section III :

The preamble was adopted unanimously.

The operative paragraph was adopted unanimously.

21. The draft resolution as a whole, as amended, was adopted by 46 votes to none, with 5 abstentions. The text of the draft resolution is reproduced as draft resolution C below.

Recommendations of the Second Committee

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

ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES**Draft resolution A****The General Assembly,**

Having noted Economic and Social Council resolution 482 A (XVI) of 4 August 1953,

Desirous of strengthening the United Nations in its mission of guarding the peace and security of all peoples and of promoting higher standards of living and conditions of economic and social progress and development in under-developed countries,

Looking forward to the time when sufficient progress in internationally supervised world-wide disarmament will make it propitious to devote additional resources to assist development and reconstruction, particularly in the under-developed countries,

Adopts the following declaration :

"We, the governments of the States Members of the United Nations, in order to promote higher standards of living and conditions of economic and social progress and development, stand ready to ask our peoples, when sufficient progress has been made in internationally supervised world-wide disarmament, to devote a portion of the savings achieved through such disarmament to an international fund, within the framework of the United Nations, to assist development and reconstruction in under-developed countries."

Draft resolution B**The General Assembly,**

Having considered the Report on a Special United Nations Fund for Economic Development² prepared by the Committee of Nine appointed by the Secretary-General, and submitted in pursuance of Economic and Social Council resolution 416 A (XIV) of 23 June 1952 and General Assembly resolution 622 A (VII) of 21 December 1952,

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,

Believing that, especially in the present state of world tension, the social and economic advancement of the under-developed countries can contribute towards the achievement of international peace and security,

Confident that an expanded flow of capital to under-developed countries would contribute to the solution of the basic economic problems of our time, both for under-developed and developed countries,

Considering that the use of international machinery for financially assisting the acceleration of the economic development of the under-developed countries contributes to the achievement of an expanding and stable world economy,

Noting that the efforts made and the activities undertaken so far by and under the United Nations for the economic development of the under-developed countries have proved beneficial and represent a marked advance in economic co-operation among nations,

Bearing in mind the recommendations contained in Economic and Social Council resolution 482 A (XVI) of 4 August 1953 relating to a special United Nations fund,

Considering that the General Assembly should keep under review the question of the establishment of a special fund and, in particular, be attentive to any changes either in world conditions or in the attitudes of the governments of Member States, which might be propitious to the establishment of such a fund in the near future,

Hopeful that conditions favourable to the establishment of an international fund will be created in the near future and that savings from internationally supervised world-wide disarmament will provide additional means for financing the economic development of under-developed countries, and will further the aims and objectives of such a fund,

1. Expresses its great appreciation of the work of the Committee of Nine ;

2. Invites governments of States members of the United Nations and of the specialized agencies in the economic and social field to transmit to the Secretary-General their detailed comments both on the recommendations contained in the report of the Committee of Nine and on the degree of moral and material support which may be expected from them for such a fund ;

3. Decides to appoint the present President of the Economic and Social Council, Mr. Raymond Scheyven, to examine, with the assistance of the Secretary-General, the comments of governments submitted in response to the invitation contained in the preceding paragraph ; to collate and where he judges necessary to request elaboration of such comments, if desirable by direct consultation with governments ; and to submit to the Economic and Social Council at its eighteenth session an interim report on his work, and, in any event, to submit to the General Assembly at its ninth session a final report together with his comments, with a view to assisting it to make

² United Nations Publication, Sales No. : 1953. II. B. 1.

such recommendations as it would find possible which could facilitate the establishment of such a fund as soon as circumstances permit;

4. *Requests* the Secretary-General to :

(a) Provide Mr. Scheyven with all necessary assistance and facilities ;

(b) Transmit to the governments specified in paragraph 2 above the report of the Committee of Nine, together with the records of the discussion on the subject at the eighth session of the General Assembly ;

(c) Circulate as soon as possible to the governments specified in paragraph 2 above (i) the comments submitted in response to that paragraph, and (ii) the final report of Mr. Scheyven ; and submit a summary of the comments of governments to the General Assembly at its ninth session ;

(d) Prepare a working paper, for submission to the Economic and Social Council, on the extent and methods of co-ordination which may be desirable or necessary between the activities of such a fund, the Technical Assistance Board and such of the specialized agencies as may be engaged in tasks relating to the economic development of under-developed countries ;

5. *Requests* the Economic and Social Council to study at its eighteenth session the working paper referred to in paragraph 4 (d) above and to transmit it, together with its views, to the General Assembly at its ninth session ;

6. *Decides* to include in the agenda of the ninth session of the General Assembly a separate item for the consideration of the results of the steps provided for above.

Draft resolution C

The General Assembly,

Bearing in mind that the general problem of economic development of the under-developed countries concerns both the under-developed and the more developed countries,

Mindful that the economic development of the under-developed countries depends primarily on their own efforts and resources,

Recognizing, however, that financial resources at present available in the under-developed countries are inadequate to finance the desired rate of economic development,

Believing that additional external resources, both private and public, made available, as appropriate, within or without the framework of the United Nations, would greatly aid the under-developed countries in financing their development programmes,

I

Bearing in mind General Assembly resolution 622 B (VII) of 21 December 1952 and Economic and Social Council resolutions 416 C (XIV) and 482 B (XVI) of 23 June 1952 and 4 August 1953 respectively,

Having considered the reports³ of the International Bank for Reconstruction and Development on the question of creating an international finance corporation,

Bearing in mind that the consultations and study requested below might indicate the practicability of establishing such a finance corporation in the near future,

³ See documents E/2215 and E/2441.

1. *Expresses its appreciation* of the useful contribution the International Bank for Reconstruction and Development has made to the study of the question ;

2. *Emphasizes* the beneficial effects the proposed corporation could have in so far as it would promote the mobilization of additional domestic resources in the under-developed countries and the flow of external capital into these countries, in order to augment the financial resources for their economic development ;

3. *Urges* governments which have not done so to give early consideration to the merits of establishing an international finance corporation, and to make known to the International Bank their views on the possibility of supporting such a corporation in time for the Bank to take them into consideration when preparing its report to the eighteenth session of the Economic and Social Council, as foreseen in paragraph 4 below ;

4. *Requests* the International Bank to :

(a) Analyse in detail the questions raised and the views expressed by governments and non-governmental institutions concerning the methods of furnishing the capital for an international finance corporation, its functions and operation ;

(b) Conduct its consultations in a more intensive manner on the question of the creation of an international finance corporation and on the prospects of financial support for it ;

(c) Report to the Economic and Social Council at its eighteenth session on the subjects referred to it in subparagraphs (a) and (b) above ;

5. *Requests* the Economic and Social Council to review at its eighteenth session the reports of the International Bank on the question of creating an international finance corporation and to report thereon to the General Assembly during its ninth session ;

II

Recognizing the importance of finding means to stimulate the flow of external private capital to the under-developed countries in order to accelerate their development,

Mindful of General Assembly resolution 622 C (VII) of 21 December 1952,

Requests that the study which is being prepared by the Secretary-General pursuant to General Assembly resolution 622 C (VII) on the general role of private external capital be examined by the Economic and Social Council during its seventeenth session, with a view to ascertaining under what conditions the flow into under-developed countries of private capital can effectively contribute to the harmonious and adequate integration of the economies of those countries and to their economic and social development ;

III

Recognizing the importance of fluctuations in the terms of trade and the effect of these fluctuations on the financing of the economic development of the under-developed countries,

Requests the Economic and Social Council to consider at its seventeenth session the report prepared by the group of experts appointed pursuant to General Assembly resolution 623 (VII) of 21 December 1952 and to make such recommendations as it may find desirable for consideration by the General Assembly at its ninth session.

DOCUMENT A/2602

Financial implications of draft resolution B proposed by the Second Committee (A/2590) : report of the Fifth Committee

[Original text : English]
[4 December 1953]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and the request of the President of the Assembly in a letter dated 27 November 1953, the Fifth Committee at its 419th meeting on 3 December 1953 considered the financial implications of the draft resolution proposed by the Second Committee under item 26 (a) of the agenda, concerning the question of establishing a special fund for grants-in-aid and for low-interest long-term loans.

2. The Committee had before it the thirtieth report of the Advisory Committee on Administrative and Budgetary Questions (A/2587), in which the opinion was expressed that the statement submitted by the Secretary-General in document A/C.2/L.212/Add.1 comprised a reasonable estimate of the additional expenditure likely to be incurred in 1954 in the event of the adoption by the General Assembly of the draft resolution in question. Attention

was called to the fact that the two main items of estimated additional expenditure in the 1954 budget would comprise travel and subsistence expenses of the person appointed to undertake the tasks referred to in paragraph 3 of the draft resolution, estimated at \$5,000, and printing of the final report of the person so appointed and of a summary of the comments of governments, estimated at \$5,500.

3. The Advisory Committee pointed out, however, that the total financial implications exceeded the above figure of \$11,100 in that certain other activities or projects for which no additional provision is requested were foreseen.

4. The Fifth Committee, having approved by a vote of 35 to none, with 5 abstentions, the recommendation of the Advisory Committee as indicated above, informs the General Assembly that the adoption of draft resolution B proposed by the Second Committee will require additional provision in the 1954 budget estimates in the amount of \$5,600 under section 1 and \$5,500 under section 26.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 468th plenary meeting on 7 December 1953, the General Assembly adopted the draft resolutions submitted by the Second Committee. For the final text, see resolution 724 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 3.
A/2447 and Corr.1	Questions relating to economic development: memorandum by the Secretary-General		Mimeographed document only.
A/2587	Thirtieth report of the Advisory Committee on Administrative and Budgetary Questions to the eighth session of the General Assembly: financial implications of draft resolution II proposed by the Second Committee (A/C.2/L.217)	3	
A/2590	Report of the Second Committee	4	
A/2602	Financial implications of draft resolution B proposed by the Second Committee (A/2590) : report of the Fifth Committee ..	10	
A/C.2/L.204	United States of America: draft resolution		Mimeographed document only. Incorporated in A/2590, draft resolution A.
A/C.2/L.205	Greece, Haiti and Pakistan: draft resolution		Mimeographed document only. Withdrawn.
A/C.2/L.206	Afghanistan, Bolivia, Brazil, Burma, Chile, Colombia, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, Philippines, Saudi Arabia, Syria, Venezuela, Yemen, Yugoslavia: draft resolution		Mimeographed document only. Replaced by A/C.2/L.206/Rev.1
A/C.2/L.206/Rev.1	Afghanistan, Bolivia, Brazil, Burma, Chile, Colombia, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, Philippines, Saudi Arabia, Syria, Venezuela, Yemen, Yugoslavia: revised draft resolution		Mimeographed document only. Withdrawn.
A/C.2/L.207	Netherlands: amendments to the draft resolution submitted by Afghanistan, Bolivia, Brazil, Burma, Chile, Colombia, Costa Rica, Cuba, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, Philippines, Saudi Arabia, Syria, Venezuela, Yemen, Yugoslavia (A/C.2/L.206)		Mimeographed document only. Withdrawn.

Document No.	Title	Page	Observations and references
A/C.2/L.208	Egypt: amendment to the draft resolution submitted by the United States of America (A/C.2/L.204)		Mimeographed document only. Withdrawn.
A/C.2/L.209	Costa Rica, Cuba, Ecuador, Egypt, Indonesia, Iraq, Pakistan, Saudi Arabia: draft resolution		Mimeographed document only. Replaced by A/C.2/L.209/Rev.1
A/C.2/L.209/Rev.1	Costa Rica, Cuba, Ecuador, Egypt, Indonesia, Iraq, Pakistan, Saudi Arabia: revised draft resolution		Mimeographed document only. Withdrawn.
A/C.2/L.210	Czechoslovakia: amendment to the draft resolution submitted by Costa Rica, Cuba, Ecuador, Egypt, Indonesia, Iraq, Pakistan, Saudi Arabia (A/C.2/L.209)		Mimeographed document only. Withdrawn.
A/C.2/L.211	Belgium, Denmark, Norway, Sweden, United States of America: amendment to the draft resolution submitted by Costa Rica, Cuba, Ecuador, Egypt, Indonesia, Iraq, Pakistan, Saudi Arabia (A/C.2/L.209)		Mimeographed document only. Withdrawn.
A/C.2/L.212 and Corr.1	Report of the Working Group	1	
A/C.2/L.212/Add.1	Statement of financial implications submitted by the Secretary-General in accordance with rule 152 of the rules of procedure of the General Assembly		Mimeographed document only. See A/2587 and A/2602.
A/C.2/L.213	Report of the Working Group	2	
A/C.2/L.214	Czechoslovakia: amendment to the draft resolution submitted by the Working Group (A/C.2/L.212)		Mimeographed document only. See A/2590, paragraph 8.
A/C.2/L.215	France: amendment to the draft resolution submitted by the Working Group (A/C.2/L.212)		Mimeographed document only. Withdrawn.
A/C.2/L.216	Egypt: proposal		Mimeographed document only.
A/C.2/L.217 and Add.1-3	Draft report of the Second Committee		Mimeographed document only.
A/RESOLUTION/168	Resolution adopted by the General Assembly at its 468th plenary meeting on 7 December 1953		See <i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 724 (VIII)</i> .
E/2215	Report of the International Bank for Reconstruction and Development on the question of creating an international finance corporation		Mimeographed document only.
E/2353/Rev.1	<i>World Economic Report 1951-52</i>		See United Nations Publication, Sales No.: 1953.II.C.2
E/2381	<i>Report on a Special United Nations Fund for Economic Development</i>		See United Nations Publication, Sales No.: 1953.II.B.1
E/2438	Impact of Selected Synthetics on Demand for Natural Products in International Trade. Study by the Secretariat		Document of the Economic and Social Council (seventeenth session).
E/2441	Report of the International Bank for Reconstruction and Development on the question of creating an international finance corporation		See <i>Official Records of the Economic and Social Council, Sixteenth Session, Annexes, agenda item 3</i> .
E/2455	Relative Prices of Primary Products and Manufactures in International Trade. Report by the Secretary-General		Document of the Economic and Social Council (seventeenth session).
E/2456 and Add.1	Repercussions of Changes in Terms of Trade on the Economies of Countries in Process of Development. Report by the Secretary-General		Document of the Economic and Social Council (seventeenth session).

GENERAL ASSEMBLY



Official Records

ANNEXES

EIGHTH SESSION

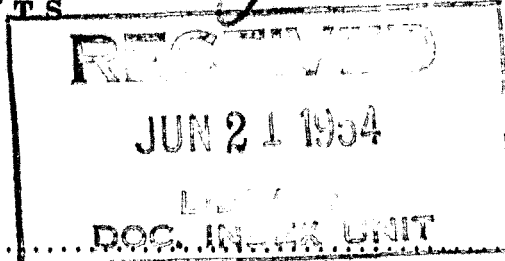
HEADQUARTERS, NEW YORK, 1953

Agenda item 27 : Expanded Programme of Technical Assistance for the economic development of under-developed countries: report of the Economic and Social Council

Agenda item 61 : Technical assistance in public administration

CONTENTS

Document No.	Title	Page
Plenary meetings (final phase) :		
A/2519	Report of the Second Committee	1



DOCUMENT A/2519

Report of the Second Committee

[Original text : English]
[20 October 1953]

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, allocated to the Second Committee the agenda items "Expanded Programme of Technical Assistance for the economic development of under-developed countries: report of the Economic and Social Council" (item 27) and "Technical assistance in public administration" (item 61).

2. The Committee, at its 248th meeting on 25 September 1953, decided to have a general debate on the two items together before proceeding to consider draft resolutions under each item. The Committee considered the items during nine meetings (A/C.2/SR.249-257). The first seven meetings were devoted to the general debate in which forty-two delegations, as well as the representatives of the Food and Agriculture Organization and of the World Health Organization, took part; the Executive Chairman of the Technical Assistance Board and the Director-General of the Technical Assistance Administration also made statements before the Committee.

3. At the conclusion of the general debate, the Committee had before it two specific proposals—one on the "Expanded Programme of Technical Assistance for the economic development of under-developed countries" (A/C.2/L.197) and the other on "Technical assistance in public administration" (Economic and Social Council resolution 492 B (XVI)).

EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

4. The draft resolution before the Committee, submitted jointly by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia,

United Kingdom of Great Britain and Northern Ireland and United States of America (A/C.2/L.197), was discussed by the Committee at its 255th to 257th meetings.

5. The draft resolution (a) urged that, in order to permit the Expanded Programme of Technical Assistance to progress, governments should contribute for the year 1954 so as to meet to the maximum extent possible the programme needs for 1954 and, in any case, so that the funds available should be no less than the amount earmarked by the Technical Assistance Board for the approved 1953 programme; (b) noted with regret that some governments had not fulfilled their pledges with respect to previous financial periods, and urged all governments to make available their pledged contributions promptly; (c) noted with satisfaction the decisions taken by the Economic and Social Council under resolution 492 C (XVI) designed to strengthen the organization and administration of the Programme, so as to assure the most effective use of the contributions made available; (d) requested the Advisory Committee on Administrative and Budgetary Questions to review the administrative procedures of the Technical Assistance Board and those of the participating organizations and their administrative expenditures so far as those were financed from the Special Account; (e) approved the financial arrangements as recommended by the Economic and Social Council in paragraph 5 of section II of resolution 492 C (XVI); (f) requested the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to the General Assembly resolution 759 (VIII) of 5 October 1953, to undertake in addition to already assigned tasks and as soon as convenient after the closing of the eighteenth session of the Economic and Social Council, negotiations with governments regarding their pledges to the Special Account for the year 1955 towards the goal to be sug-

gested by the Council at that session; and (g) noted that the Economic and Social Council had considered, in response to the desire expressed by the General Assembly in resolution 621 (VII), the feasibility of working out estimates for the Programme on a basis longer than a one-year period, and hoped that governments in a position to do so would respond to the invitation contained in paragraph 10, section II, of resolution 492 C (XVI).

6. The following amendments to the draft resolution were submitted:

(a) Israel and Norway in document A/C.2/L.198 proposed the insertion after the preamble of a new paragraph as follows: "Requests the participating governments and agencies to intensify their efforts to secure wide publicity for the Programme". The amendment was subsequently revised by the sponsors by the addition of the words "by the existing means at their disposal" before the words "to intensify" (A/C.2/L.198/Rev.1). A verbal amendment was submitted by the representative of Iran to the revised amendment to have the paragraph read as follows:

"Requests the governments to co-operate with the United Nations and the participating agencies for the intensification of their efforts to secure wide publicity for the Programme".

(b) The Union of Soviet Socialist Republics in document A/C.2/L.200 proposed to have the second operative paragraph read as follows:

"Notes with regret that some governments have not fulfilled the pledges made by them at conferences of participants in the Expanded Programme with respect to previous financial periods and urges all governments to make their pledged contributions available promptly".

(c) Greece in document A/C.2/L.199 proposed to add at the end of the third operative paragraph beginning "Notes with satisfaction" the following text: "... and invites the Technical Assistance Committee and the Technical Assistance Board, in working out their recommendations on the financial procedures and the system of allocation of funds of the Expanded Programme of Technical Assistance, to take into consideration the relevant debates during the eighth regular session of the General Assembly". The sponsor subsequently revised the amendment by adding the words "the administration," before the words "the financial procedures" and, at the suggestion of the representative of Iraq, also inserted after the words "to take into consideration the relevant" the words "views expressed in the" (A/C.2/L.199/Rev.1).

(d) The representative of Poland, at the 256th meeting, verbally proposed to replace the word "under" in the third operative paragraph by the words "in paragraphs 6 and 7 of section II of".

(e) Egypt in document A/C.2/L.201 proposed:

(i) In the first paragraph of the preamble, to substitute the words "is capable of making" for the words "is making";

(ii) In the second paragraph of the preamble, to insert the word "increasingly" before the word "effective";

(iii) In the second operative paragraph, to delete the words "Notes with regret that some governments have not fulfilled their pledges with respect to previous financial periods and";

(iv) In the third operative paragraph, to substitute the words "Takes note of" for the words "Notes with satisfaction";

(v) At the end of the fourth operative paragraph, to add the words "and to report as soon as possible to the Economic and Social Council";

(vi) To delete the seventh operative paragraph and substitute the following text:

"Notes that the Economic and Social Council, in response to the desire expressed by the General Assembly in resolution 621 (VII), has expressed the view that, for the sustained execution of the various programmes, it would be desirable to have assured financial support for a period longer than a year, and invites those participating countries in a position to do so to take every possible step within the limits imposed by their constitutions to provide the programme with long-term financial support".

7. At its 256th meeting, the Committee approved, by 19 votes to 11, with 17 abstentions, a proposal by the representative of Cuba that a working group should attempt to draft a new draft resolution embodying the substance of the ten-Power proposal and of the amendments thereto. The Working Group, presided over by the Chairman of the Committee, met on 9 October 1953 and prepared a report (A/C.2/L.202) in which it unanimously recommended the following draft resolution to the Committee:

"The General Assembly,

"Believing that the results so far achieved by the Expanded Programme of Technical Assistance demonstrate the important contribution which the Programme has made and is capable of making in the economic development of under-developed countries,

"Desirous that the Programme continue to play an increasingly effective role in the achievement of higher standards of living for the peoples of the under-developed areas,

"1. Urges that, in order to permit the Expanded Programme of Technical Assistance to progress, governments contribute for the year 1954 so as to meet to the maximum extent possible the programme needs for 1954 and, in any case, so that the funds available shall be no less than the amount earmarked by the Technical Assistance Board for the approved 1953 programme;

"2. Emphasizes the pressing need that governments pay their pledged contributions promptly, including those already announced;

"3. Notes with satisfaction the decisions taken by the Economic and Social Council under resolution 492 C (XVI) designed to strengthen the organization and administration of the Programme, so as to assure the most effective use of the contributions made available, and invites the Technical Assistance Committee and the Technical Assistance Board, in working out their recommendations on the administration, the financial procedures and the system of allocation of funds of the Expanded Programme of Technical Assistance, to take into consideration the relevant views expressed in the debates during the eighth regular session of the General Assembly;

"4. Requests the Advisory Committee on Administrative and Budgetary Questions to review as soon as possible the administrative procedures of the Technical Assistance Board and those of the participating organizations and their administrative expenditures so far as those are financed from the Special Account;

"5. Approves the financial arrangements set forth in the annex hereto as recommended by the Economic and Social Council in paragraph 5 of section II of resolution 492 C (XVI);

"6. Requests the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to the General Assembly resolution 759 (VIII) of 5 October 1953, to undertake in addition to already assigned tasks and as soon as convenient after the closing of the eighteenth session of the Economic and Social Council, negotiations with governments regarding their pledges

to the Special Account for the year 1955 towards the goal to be suggested by the Council at that session ;

"7. *Notes* that the Economic and Social Council, in response to the desire expressed by the General Assembly in resolution 621 (VII), has expressed the view that, for the sustained execution of the various programmes, it would be desirable to have assured financial support for a period longer than a year, and invites those participating countries as may be in a position to do so, to take steps within their constitutional limitations, to ensure the financial support of the Programme on a long-term basis."

The original joint draft resolution (A/C.2/L.197) and the amendments which had been referred to the working group (A/C.2/L.198/Rev.1, A/C.2/L.199/Rev.1 and A/C.2/L.201) were then withdrawn by the sponsors, with the exception of the USSR amendment (A/C.2/L.200). This last amendment, which had been taken into account by the Working Group in proposing the new text of the second operative paragraph above, was retained for consideration by the Committee. In addition to the draft resolution, the Working Group also submitted to the Committee the following new paragraph to be inserted as first operative paragraph as a substitute for the revised amendment submitted by Israel and Norway (A/C.2/L.198/Rev.1) :

"*Recommends* that governments and participating agencies pay due regard to making the aims and operations of the Programme more widely known".

8. The draft resolution contained in the report of the Working Group and the USSR amendment (A/C.2/L.200) were discussed at the Committee's 257th meeting on 12 October 1953. The following verbal amendments were submitted and accepted :

(a) The Union of Soviet Socialist Republics, with respect to its amendment contained in document A/C.2/L.200, accepted verbal changes proposed by France and Pakistan to amend the second operative paragraph to read

"*Emphasizes* the pressing need that governments pay promptly their contributions pledged at conferences, with special regard to previous financial periods ;"

(b) Poland proposed to add in paragraph 3, after the words "resolution 492 C (XVI)", the words "paragraphs 6 and 7 of section II"; the United Kingdom proposed the addition of the words "paragraphs 1, 2 and 3 of section I and paragraphs 6 and 7 of section II"; this amendment was accepted by Poland.

(c) Greece proposed to substitute, also in paragraph 3, the word "actions" for the word "decisions" in the opening phrase.

(d) Egypt proposed to substitute, in paragraph 7, the words "orderly development of programmes" for the words "sustained execution of the various programmes", with a view to having the wording of the paragraph conform to that of Economic and Social Council resolution 492 C (XVI), paragraph 9 of section II.

9. The draft resolution of the Working Group (A/C.2/L.202), as amended by the Committee, and the proposed new paragraph to be inserted between the second and third paragraphs were put to the vote at the 257th meeting as follows :

The new paragraph to be inserted as the first operative paragraph was adopted by 41 votes to one, with 10 abstentions.

The third operative paragraph (paragraph 2 of the Working Group's draft), was adopted as amended by 38 votes to 2, with 10 abstentions.

The sixth operative paragraph (paragraph 5 of the Working Group's draft), on which a separate vote had been requested by the Union of Soviet Socialist Republics, was adopted by 45 votes to none, with 7 abstentions.

The draft resolution as a whole, as amended, was adopted unanimously.

The text is reproduced as draft resolution I below.

TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION

10. A draft resolution recommended by the Economic and Social Council and contained in its resolution 492 B (XVI) was discussed by the Committee at its 256th meeting.

11. The draft resolution

(1) Approved a revised United Nations programme in public administration comprising : (a) the provision, at the request of governments, of technical assistance related to public administration, including training for public service, through : (i) the advisory services of experts ; (ii) fellowships and scholarships ; (iii) training institutes, seminars, conferences, working groups and other means ; (iv) the provision of technical publications ; (b) the collection, analysis and exchange of technical information in the field of public administration, in collaboration where appropriate, with the International Institute of Administrative Sciences and other appropriate institutions, and assistance to governments to promote, by all suitable means, sound public administration, in relation to economic and social development ;

(2) Authorized the Secretary-General to continue to include in the budgetary estimates of the United Nations the funds necessary for carrying out an effective operational programme based on the provision of the above services and, in addition, to finance such activities from funds made available from the United Nations Expanded Programme of Technical Assistance, provided that in the latter case such assistance is related to the economic development of under-developed countries ;

(3) Reaffirmed the principle by which each requesting government should continue to be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it ; and

(4) Requested the Secretary-General to report regularly to the Economic and Social Council on activities carried on under this programme.

12. The draft resolution was unanimously adopted at the 256th meeting of the Committee. The text is reproduced as draft resolution II below.

13. The Second Committee therefore recommends to the General Assembly the adoption of the following two draft resolutions :

Draft resolution I

EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

The General Assembly,

Believing that the results so far achieved by the Expanded Programme of Technical Assistance demonstrate the important contribution which the Programme has made and is capable of making in the economic development of under-developed countries,

Desirous that the Expanded Programme shall continue to play an increasingly effective role in the achievement of higher standards of living for the people of the under-developed areas,

1. *Recommends* that governments and participating agencies pay due regard to making the aims and operations of the Expanded Programme of Technical Assistance more widely known ;

2. *Urges* that, in order to permit the Expanded Programme to progress, governments contribute for the year

1954 so as to meet to the maximum extent possible the programme needs for 1954 and, in any case, so that the funds available shall be no less than the amount earmarked by the Technical Assistance Board for the approved 1953 programme;

J. Emphasizes the pressing need that governments pay promptly their contributions pledged at conferences, with special regard to previous financial periods;

4. *Notes with satisfaction* the actions taken by the Economic and Social Council in paragraphs 1, 2 and 3 of section I and in paragraphs 6 and 7 of section II of resolution 492 C (XVI) of 5 August 1953 designed to strengthen the organization and administration of the Expanded Programme, so as to assure the most effective use of the contributions made available, and invites the Technical Assistance Committee and the Technical Assistance Board, in working out their recommendations on the administration, the financial procedures and the system of allocation of funds of the Expanded Programme of Technical Assistance, to take into consideration the relevant views expressed in the debates during the eighth session of the General Assembly;

5. *Requests* the Advisory Committee on Administrative and Budgetary Questions to review as soon as possible the administrative procedures of the Technical Assistance Board and those of the participating organizations as well as their administrative expenditures so far as those are financed from the Special Account;

6. *Approves* the financial arrangements set forth in the annex hereto as recommended by the Economic and Social Council in paragraph 5 of section II of resolution 492 C (XVI);

7. *Requests* the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to the General Assembly resolution 759 (VIII) of 5 October 1953, to undertake, in addition to already assigned tasks and as soon as convenient after the closing of the eighteenth session of the Economic and Social Council, negotiations with governments regarding their pledges to the Special Account for the year 1955 towards the goal to be suggested by the Council at the same session;

8. *Notes* that the Economic and Social Council, in response to the desire expressed by the General Assembly in resolution 621 (VII) of 21 December 1952, has expressed the view that, for the orderly development of programmes, it would be useful to have assured financial support for a period longer than a year, and invites those participating countries as may be in a position to do so to take steps within their constitutional limitations, to ensure the financial support of the Expanded Programme on a long-term basis.

Annex

(a) Seventy-five per cent of total funds available, excluding carry-over, shall be available for allocation to the participating organizations after approval of country programmes by the Technical Assistance Board, in accordance with the percentages set forth in paragraph 8 (c)¹ of Council reso-

¹ Formely paragraph 9 (c).

lution 222 A (IX), as amended, and modified pursuant to paragraph 19 of the report of the Technical Assistance Committee to the thirteenth session of the Council;

(b) The balance of funds available, including carry-over, shall be retained in the Special Account (i) to cover the necessary minimum expenses of TAB and the resident representatives; and (ii) for further allocation to the participating organizations, as provided in Council resolution 433 (XIV);

(c) In establishing the level of the necessary administrative expense in the whole Programme, the need for economy, in view of the present level of operational expenditure, shall be fully taken into account.

Draft resolution II

TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION

The General Assembly,

Noting that the programme of activities and organizational arrangements developed by the Secretary-General in consultation with the Economic and Social Council in response to General Assembly resolution 246 (III) of 4 December 1948, and placed on a continuing basis in accordance with General Assembly resolution 518 (VI) of 12 January 1952, are no longer adequately covered by the terms of resolution 246 (III),

Noting further that the aforementioned activities now form an integral part of a wider programme of assistance to governments in the field of public administration, including aspects other than training,

Recognizing the increasingly important role of governmental administration in programmes for the promotion of economic development and social welfare,

1. *Approves* a revised United Nations programme in public administration comprising:

(a) The provision, at the request of governments, of technical assistance related to public administration, including training for public service, through:

- (i) The advisory services of experts;
- (ii) Fellowships and scholarships;
- (iii) Training institutes, seminars, conferences, working groups and other means;
- (iv) The provision of technical publications;

(b) The collection, analysis and exchange of technical information in the field of public administration, in collaboration, where appropriate, with the International Institute of Administrative Sciences and other appropriate institutions, and assistance to governments to promote, by all suitable means, sound public administration, in relation to economic and social development;

2. *Authorizes* the Secretary-General to continue to include in the budgetary estimates of the United Nations the funds necessary for carrying out an effective operational programme based on the provision of the above services and, in addition, to finance such activities from funds made available from the United Nations Expanded Programme of Technical Assistance, provided that in the latter case such assistance is related to the economic development of under-developed countries;

3. *Reaffirms* the principle by which each requesting government shall continue to be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it;

4. *Requests* the Secretary-General to report regularly to the Economic and Social Council on activities carried on under this programme.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 454th plenary meeting, on 23 October 1953, the General Assembly adopted the two draft resolutions submitted by the Second Committee without change, as resolutions 722 (VIII) and 723 (VIII) respectively.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 3.
A/2447 and Corr.1 A/2519 A/C.2/L.197	Questions relating to economic development: Memorandum by the Secretary-General Report of the Second Committee	1	Mimeographed document only.
A/C.2/L.198	Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution Israel and Norway: amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.202.
A/C.2/L.198	Israel and Norway: amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.198/Rev.1.
A/C.2/L.199/Rev.1	Israel and Norway: revised amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.202.
A/C.2/L.199	Greece: amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.199/Rev.1.
A/C.2/L.199/Rev.1	Greece: revised amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.202.
A/C.2/L.200	Union of Soviet Socialist Republics: amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only.
A/C.2/L.201	Egypt: amendments to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.202.
A/C.2/L.202	Report of the Working Group		Mimeographed document only. Adopted, as amended, at the 257th meeting of the Second Committee; see A/2519.
A/C.2/L.203	Draft report of the Second Committee		Mimeographed document only.
A/RESOLUTION/123	Resolution adopted by the General Assembly at its 454th plenary meeting on 23 October 1953		Resolution 722 (VIII).
A/RESOLUTION/124	Resolution adopted by the General Assembly at its 454th plenary meeting on 23 October 1953		Resolution 723 (VIII).

GENERAL ASSEMBLY



Official Records

ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 28: Work of the United Nations High Commissioner for Refugees: ✓

- (a) Report of the United Nations High Commissioner for Refugees;
- (b) International action on behalf of refugees: memorandum by the Secretary-General;
- (c) Question of the continuation of the Office of the United Nations High Commissioner for Refugees

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DOCUMENT A/2457

Memorandum by the Secretary-General

[Original text: English]
[2 September 1953]

I

1. Since the General Assembly, at its eighth session, will be reviewing the arrangements for the Office of the United Nations High Commissioner for Refugees, the Secretary-General considers that it would be appropriate for him to present some comments on the work of the United Nations on behalf of refugees.

2. When the Office of the High Commissioner was established by the General Assembly in 1950 (resolution 428 (V) of 14 December 1950), the United Nations assumed

certain direct responsibilities in regard to the refugees who had been the concern of previous international organizations such as the Inter-Governmental Committee on Refugees, the United Nations Relief and Rehabilitation Administration and the International Refugee Organization, and for all genuine refugees who are outside their countries of nationality and are unable or unwilling, for reasons defined in the Statute of the High Commissioner's Office, to avail themselves of the protection of their own governments. There are no territorial limitations to the mandate of the Office, but refugees who receive protection or assistance from other United Nations agencies such

as the United Nations Relief and Works Agency for Palestine Refugees in the Near East or the United Nations Korean Reconstruction Agency are specifically excluded from its competence as are also refugees who enjoy in their countries of residence the rights and privileges of citizens.

3. Under the mandate of the Office, the task of the High Commissioner is to "assume the function of providing international protection under the auspices of the United Nations to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees or their assimilation within new national communities". The administrative expenses of the Office are borne on the regular budget of the United Nations. By resolution 538 B (VI) of 2 February 1952, the General Assembly authorized the High Commissioner to appeal for funds for the purpose of enabling emergency aid to be given to the most needy groups of refugees coming within the mandate of his Office. A United Nations Refugee Emergency Fund was accordingly established, with a target of \$US3 million.

4. Other organs of the United Nations itself and certain specialized agencies, in particular the International Labour Organisation, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the International Bank for Reconstruction and Development, collaborate with the Office of the High Commissioner and, furthermore, have contributed considerably to the improvement of the conditions of refugees in the execution of different economic and social programmes. The High Commissioner works in regular and close consultation with the Secretary-General. The work of his Office and that of all parts of the United Nations system is co-ordinated through the machinery of the Administrative Committee on Co-ordination.

II

5. While inter-governmental action on behalf of refugees has thus been developed within the framework of the United Nations, governments have also sought to deal with the problem through national programmes or through inter-governmental organizations outside the United Nations, notably the Council of Europe, the Office of European Economic Co-operation and the Inter-Governmental Committee for European Migration.

6. In the proceedings of the Council of Europe, special attention has been paid to the refugee problem as an aspect of the problem of surplus population in Europe. For this reason, the Council's interest has not been confined to refugees who are outside their country of nationality but has been extended to all refugees residing within the territories of its member States whether they enjoy the rights of nationals or not. Particular attention has in fact been devoted to the problems of the *Volksdeutsche* and other German refugees in Germany and the under-employed population in Italy, two countries not members of the United Nations. The organs of the Council of Europe which have been studying the European refugee problem are the Committee on Population and Refugees established by the Consultative Assembly and a special liaison committee composed partly of members of the Committee on Population and Refugees and partly of representatives of the Committee of Ministers.

7. The Office of European Economic Co-operation is indirectly concerned with the refugee problem in its efforts to assist its member States to make the fullest use of their available manpower and in particular in its

work to promote the progressive reduction of obstacles to the free movement of persons.

8. The Inter-Governmental Committee for European Migration has been established to promote the movement of migrants from Europe. It has also been entrusted by its members with the task of making arrangements for the migration of refugees with the governments of the countries of emigration and immigration. For the year 1953, the Committee has an operational budget of \$US34,608,475 and for the movement of refugees provision was made in the budget of 1952 and 1953 for a special revolving fund of \$US2 million in each of these years. The Committee's own funds can only be used to finance movements from Europe, but its members have authorized the use of the other funds available to the Committee for the movement of refugees of European origin from areas outside Europe. From its inception in February 1952 to 31 July 1953, the Committee has assisted in the transportation of more than 119,000 migrants, approximately 35,000 of whom were refugees within the mandate of the Office of the High Commissioner.

III

9. The report of the High Commissioner (A/2394 and Corr. 1) shows that, despite the contributions made by many governments and agencies towards the solution of the refugee problem, there remains a need for a central international organization concerned with the problem. It provides striking evidence of what can be accomplished by the United Nations in this field through the medium of a small non-operational agency whose work is supported by, and closely co-ordinated with, that of other branches of the United Nations and the specialized agencies. It also points to certain difficulties and problems, two of which the Secretary-General wishes to call especial attention.

10. The first arises from the fact that, despite the generosity of a number of governments, the total response to the High Commissioner's appeal for contributions to the Refugee Emergency Fund has been inadequate. There will continue to be a compelling need for emergency aid in several areas of the world in 1954, but the funds at present available to the High Commissioner for this purpose will be exhausted by the end of the present year.

11. The second problem, which is brought out in paragraph 346 of the High Commissioner's report, has also been stated in more general terms in the special report of 15 July 1953 submitted to the Economic and Social Council by the Advisory Committee on Administrative and Budgetary Questions:¹

"One other problem... seems worthy of the Council's close attention: the danger of duplication and overlapping arising out of the growth of activities of non-United Nations organizations. Thus, the Administrative Committee on Co-ordination, when discussing the refugee problem, refers to possible confusion in the matter of priorities 'by the creation, outside the framework of the United Nations, of new machinery with overlapping functions'. The latter committee also refers to the effect on the work of the United Nations and the specialized agencies in the economic and social field of a tendency towards the development of regional and other organizations outside the United Nations framework with activities in the same field. The Advisory Committee takes note of this problem because of its budgetary consequences and because a potentially serious wastage of international funds may be involved."

¹ See *Official Records of the Economic and Social Council, Sixteenth Session, Annexes, agenda item 30, document E/2483.*

12. As between the United Nations agencies on the one hand and the non-United Nations inter-governmental organizations on the other, close and fruitful working arrangements do exist at the staff level and are being further developed. There has been effective co-operation in many projects. But such contacts and co-operation cannot prevent difficulties and waste of effort arising from time to time as a result of the overlapping competencies assigned to certain of these agencies by their member governments. As a recent example of such difficulties, it may be noted that the Committee of Ministers of the Council of Europe, acting on the basis of a recommendation of the Consultative Assembly, decided in May 1953 to appoint for a period of one year an eminent European personality to act as the Council's special representative in respect of European refugee problems and the problem of surplus population. Such an appointment would create a situation in which it might prove difficult to avoid a confusion of responsibility and overlapping with existing international machinery.

13. It should further be noted that arrangements do not exist at the present time for the representation of

the United Nations High Commissioner for Refugees and other United Nations agencies contributing to the solution of the refugee problem in all of the policy-making organs of the non-United Nations agencies concerned.

IV

14. The Economic and Social Council, by resolution 500 (XVI) of 7 July 1953, has recommended that the Office of the High Commissioner should be continued for a further period of five years. The Secretary-General ventures to suggest that, in its review of the arrangements for the Office in the light of this resolution and the High Commissioner's report, the General Assembly should give careful consideration to the problems referred to in section III above. It cannot be doubted that more could be done with available resources to promote permanent solutions to the refugee problem if there were a greater concentration of effort, if fuller use were made of existing United Nations machinery and if the co-ordinating role of the United Nations were more clearly defined.

DOCUMENT A/C.3/L.355

Belgium, Denmark, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay :
draft resolution

[Original text : English]
[13 October 1953]

The General Assembly,

Recalling its resolutions 319 (IV) and 428 (V), by which the Assembly decided to establish the Office of the United Nations High Commissioner for Refugees and adopted the Statute governing the operation of that Office,

Mindful of resolution 500 (XVI) adopted by the Economic and Social Council on 7 July 1953,

Considering that the Office of the High Commissioner should be continued beyond the date of 31 December 1953 mentioned in paragraph 5 of the Statute,

1. *Decides* to continue the Office of the United Nations High Commissioner for Refugees for a period of five years from 1 January 1954; and to review, not later than at the twelfth regular session of the Assembly, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1958;

2. *Decides* that the High Commissioner shall be elected for a period of five years from 1 January 1954, and that the High Commissioner shall appoint a Deputy High Commissioner of a nationality other than his own.

DOCUMENT A/C.3/L.355/Rev.1

Belgium, Denmark, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay :
revised draft resolution

[Original text : English]
[15 October 1953]

The General Assembly,

Recalling its resolutions 319 (IV) and 428 (V), by which the Assembly decided to establish the Office of the United Nations High Commissioner for Refugees and adopted the Statute governing the operation of that Office,

Considering the continuing need for international action on behalf of refugees,

Considering the valuable work which has been performed by the Office of the High Commissioner both in providing international protection for refugees and in promoting permanent solutions for their problems,

1. *Reaffirms* the Statute of the Office contained in the annex to General Assembly resolution 428 (V);

2. *Decides* to continue the Office of the United Nations High Commissioner for Refugees for a period of five years from 1 January 1954; and to review, not later than at the twelfth regular session of the Assembly, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1958;

3. *Decides* that the High Commissioner shall be elected for a period of five years from 1 January 1954, and that the High Commissioner shall appoint a Deputy High Commissioner of a nationality other than his own.

DOCUMENT A/C.3/L.357

Belgium, Brazil, Colombia, Denmark, Netherlands, Norway and United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[15 October 1953]

The General Assembly,

Having considered the problems of refugees who are the concern of the United Nations High Commissioner for Refugees, in the light of the High Commissioner's report to the General Assembly at its eighth session,

Having noted with appreciation the work being done both by governments and private organizations on behalf of these refugees,

Having noted with concern the precarious situation of certain groups of refugees within his mandate, in particular those in need of emergency aid, the considerable number still living in camps, and those requiring special care for whom no satisfactory arrangements have yet been made,

1. *Invites* the High Commissioner to concern himself in particular with these groups in carrying out his functions as defined in the Statute of his Office and to pay special attention to them in his report to the General Assembly at its ninth session;

2. *Appeals* to the governments of States Members and non-members of the United Nations to intensify their efforts to promote in co-operation with the High Commissioner solutions for the problems of refugees;

3. *Congratulates* the High Commissioner on the relations which he has established with interested organizations and expresses the hope that appropriate consultations will take place in the drawing up of all programmes of international action designed to improve the situation of refugees within his mandate.

DOCUMENT A/C.3/L.358

Syria: amendment to the revised draft resolution submitted by Belgium, Denmark, Netherlands, Sweden, United Kingdom and Uruguay (A/C.3/L.355/Rev.1)

[Original text: French]
[16 October 1953]

Add the following text as paragraph 4 of the operative part:

"Requests the High Commissioner to take into account, in the exercise of his functions:

"(a) The provisions of General Assembly resolution 538 B (VI) regarding the repatriation to their countries of origin of refugees who express the desire to return there;

"(b) The provisions of the Statute of the Office of the High Commissioner concerning the humanitarian character of the work of the Office, funds received by it, and the most destitute categories of refugees."

DOCUMENT A/C.3/L.359

Yugoslavia: amendments to the draft resolution submitted by Belgium, Brazil, Colombia, Denmark, Netherlands, Norway and United Kingdom (A/C.3/L.357)

[Original text: English]
[16 October 1953]

1. In the third paragraph of the preamble, between the words "camps" and "and", insert the words: "those asking for repatriation".

2. After paragraph 1 of the operative part insert a new paragraph reading as follows:

"2. *Invites* the High Commissioner to pay particular attention to and take care of these refugees willing to be repatriated", and amend the following paragraph numbers accordingly.

3. In paragraph 3 of the original draft resolution delete the first part of the sentence from the word "Congratulates" to the word "and". The paragraph would then start with the words "Expresses the hope...".

4. In the same paragraph, between the words "place" and "in" insert the following words: "with appropriate international organizations".

5. At the end of the sentence add the words: "and invites the High Commissioner to report to the General Assembly at its ninth session".

DOCUMENT A/C.3/L.360

United States of America: amendments to the revised draft resolution submitted by Belgium, Denmark, Netherlands, Sweden, United Kingdom and Uruguay (A/C.3/L.355/Rev.1)

[Original text: English]
[16 October 1953]

1. Delete paragraph 1 of the operative part.
2. Revise paragraph 2 of the operative part to read as follows :
 - "1. *Decides* to continue the Office of the United Nations High Commissioner for Refugees for a period of five years from 1 January 1954 on the basis of the Statute of the Office contained in the annex to General Assembly resolution 428 (V) ;
 - "2. *Decides* to review, not later than at the twelfth regular session of the Assembly, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1958 ; and "

DOCUMENT A/C.3/L.361

Syria: amendments to the draft resolution submitted by Belgium, Brazil, Colombia, Denmark, Netherlands, Norway and United Kingdom (A/C.3/L.357)

[Original text: French]
[15 October 1953]

1. Delete the second paragraph of the preamble.
2. In paragraph 1 of the operative part, delete the words "in particular".
3. In paragraph 3 of the operative part delete the phrase beginning with the word "Congratulates" and ending with the words "organizations and".
4. At the end of paragraph 3 of the operative part, delete the words "within his mandate" and replace them by the following: "within the High Commissioner's mandate and that the High Commissioner will give an account of such consultations in his future reports to the General Assembly".

DOCUMENT A/2523 and Corr.1
Report of the Third Committee

[Original text: English]
[21 October 1953]

1. The General Assembly, at its 435th plenary meeting held on 17 September 1953, decided to allocate to the Third Committee the item "Work of the Office of the United Nations High Commissioner for Refugees".

2. The Committee considered this item at its 497th to 502nd meetings held on 13, 14, 15, 16, 19 and 20 October 1953. The item was divided into the following parts: (a) Report of the United Nations High Commissioner for Refugees (A/2394 and Corr.1); (b) International action on behalf of refugees: memorandum by the Secretary-General (A/2457); (c) Question of the continuation of the Office of the United Nations High Commissioner for Refugees (A/2449). In addition to the above-mentioned documents, the Committee had before it the report of the Economic and Social Council (A/2430) chapter IV, section VI, and Council resolution 500 (XVI) of 7 July 1953. The Committee decided to hold a general debate on the three sub-items at the same time.

3. At the 497th meeting, the High Commissioner made a statement in which he outlined the background and origin of the Office, explaining its functions in connexion both with the international protection of refugees and the promotion of permanent solutions for their problems. He referred to the precarious situation of refugees who were dependent on the Refugee Emergency Fund, particularly those of European origin in China, and to the difficult cases requiring special care. The High Commissioner also referred to the situation of the considerable number of refugees still living in camps in Europe and mentioned the valuable work which the interested organizations had enabled his Office to promote in the field of social and economic assimilation of refugees.

4. At the end of his statement, the High Commissioner submitted certain conclusions (A/C.3/L.356) for the consideration of the Committee. In those conclusions he emphasized that there was no need for any new

machinery to deal with the refugee problem, but that a better and more co-ordinated use of existing machinery was required. He submitted that the complexity of the present refugee problem made it necessary for a certain amount of long-term planning to be undertaken. Finally, he made an appeal for further contributions to the Refugee Emergency Fund.

5. The discussion was mainly directed to the question of the prolongation of the Office and the necessity for greater co-ordination of international action on behalf of refugees as outlined in the memorandum of the Secretary-General and in the conclusions of the High Commissioner.

6. The discussion was marked by a clear difference of viewpoints. On the one hand, the majority of representatives expressed their appreciation of the work of the Office of the High Commissioner, both in providing international protection and promoting permanent solutions for the different aspects of the refugee problem, and emphasized the necessity for continued United Nations action on behalf of refugees through his Office. On the other hand, a number of representatives considered that the work of the Office should be discontinued and expressed strong criticism of international action undertaken on behalf of refugees since the end of the Second World War through the International Refugee Organization and the Office of the High Commissioner. They maintained that the Office tended to perpetuate the refugee problem, which should be solved through the repatriation of the refugees in accordance with General Assembly resolution 8 (I) of 12 February 1946, the provisions of which, they stated, had not been observed.

7. The majority of the representatives emphasized the necessity of working for permanent solutions of the refugee problem through integration and resettlement, while a number of representatives considered that more attention should be paid to voluntary repatriation.

8. The urgency of further contributions to the Refugee Emergency Fund was stressed by most representatives, while others expressed the hope that the valuable work which had been initiated by certain interested organizations would be further developed.

9. A draft resolution on the prolongation of the Office of the High Commissioner (A/C.3/L.355/Rev.1) was submitted by Belgium, Denmark, the Netherlands, Sweden, the United Kingdom and Uruguay re-affirming the Statute of the Office annexed to General Assembly resolution 428 (V) of 14 December 1950 and recommending that the Office should be continued for a period of five years from 1 January 1954, with a review to take place not later than at the twelfth session of the General Assembly.

10. An amendment was submitted by the United States of America (A/C.3/L.360) omitting the re-affirmation of the Statute, but recommending that the Office should be continued for five years on the basis of the Statute as contained in the annex to resolution 428 (V).

11. A second draft resolution on the work of the Office was submitted by Belgium, Brazil, Colombia, Denmark, the Netherlands, Norway and the United Kingdom (A/C.3/L.357), in which the High Commissioner was invited to concern himself in particular with refugees requiring emergency aid, those still living in camps and those requiring special care, and an appeal was made to governments to intensify their efforts to promote solutions for the problems of refugees in co-operation with the High Commissioner; the hope was also expressed that appropriate consultations would take place in the drawing up

of all programmes of international action designed to improve the situation of refugees who were the concern of the High Commissioner.

12. Amendments to this draft resolution were proposed by Syria (A/C.3/L.358) and by Yugoslavia (A/C.3/L.359). In the amendment proposed by Syria the High Commissioner was requested to take into account, in the exercise of his functions, the provisions of General Assembly resolution 538 B (VI) of 2 February 1952 concerning repatriation and the provisions of the Statute emphasizing the humanitarian character of the work of the Office and the importance of concentrating attention on the more destitute categories of refugees. In the Yugoslav amendment stress was laid on the question of repatriation, and the High Commissioner was invited to report to the General Assembly at its ninth session on his consultations with appropriate international organizations.

13. At the suggestion of the Chairman, the authors of the amendments to the two draft resolutions met informally with the sponsors with a view to agreeing on a final text for each draft resolution.

14. At the 50th meeting, revised texts of the draft resolutions (A/C.3/L.355/Rev.2 and A/C.3/L.357/Rev.1) were submitted to the Committee and an announcement was made that the amendments to the earlier texts of both draft resolutions had been withdrawn.

15. The first draft resolution (A/C.3/L.355/Rev.2) was adopted by 43 votes to 5, with 4 abstentions.

16. The second draft resolution (A/C.3/L.357/Rev.1) was adopted by a roll-call vote of 45 votes to 5, with 2 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Greece, Guatemala, Honduras, Iran, Iraq, Israel, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Ethiopia, India, Indonesia.

Recommendations of the Third Committee

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

DRAFT RESOLUTION I

Prolongation of the Office of the United Nations High Commissioner for Refugees

The General Assembly,

Recalling its resolutions 319 (IV) of 3 December 1949 and 428 (V) of 14 December 1950, by which the Assembly decided to establish the Office of the United Nations High Commissioner for Refugees and adopted the Statute governing the operation of that Office.

Considering the continuing need for international action on behalf of refugees,

Considering the valuable work which has been performed by the Office of the High Commissioner both in providing international protection for refugees and in promoting permanent solutions for their problems,

1. *Decides* to continue the Office of the United Nations High Commissioner for Refugees for a period of five

years from 1 January 1954 on the basis of the Statute of the Office contained in the annex to General Assembly resolution 428 (V) ;

2. *Decides* to review, not later than at the twelfth regular session of the Assembly, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1958 ;

3. *Decides* that the High Commissioner shall be elected for a period of five years from 1 January 1954, and that the High Commissioner shall appoint a Deputy High Commissioner of a nationality other than his own.

DRAFT RESOLUTION II

*Work of the Office of the United Nations
High Commissioner for Refugees*

The General Assembly,

Having considered the problems of refugees who are the concern of the United Nations High Commissioner for Refugees in the light of his report to the eighth session (A/2394 and Corr.1) and of the Secretary-General's memorandum (A/2457),

Having noted with appreciation the work being done on behalf of these refugees,

Having noted with concern the precarious situation of certain groups of refugees within the High Commissioner's mandate, in particular those in need of emergency aid, the considerable number still living in camps, and those requiring special care for whom no satisfactory arrangements have yet been made,

1. *Invites* the High Commissioner to concern himself in particular with these groups in carrying out his functions as defined in the Statute of his Office and to pay special attention to them in his report to the General Assembly at its ninth session ;

2. *Appeals* to the governments of States Members and non-members of the United Nations to intensify their efforts to promote, in co-operation with the High Commissioner, solutions for the problems of refugees, through repatriation, resettlement and integration in accordance with General Assembly resolution 538 B (VI) of 2 February 1952 ;

3. *Takes note* of the relations which the High Commissioner has established with interested organizations, expresses the hope that appropriate consultations will take place in the drawing up of all programmes of international action designed to improve the situation of refugees within his mandate and invites the High Commissioner to give an account of such consultations in his reports.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted draft resolutions I and II submitted by the Third Committee (see above, para. 17). For the final texts see resolutions 727 (VIII) and 728 (VIII), respectively.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2394 and Corr.1	Report of the United Nations High Commissioner for Refugees		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 11</i>
A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		<i>Ibid., Supplement No 3</i>
A/2449	Note by the Secretary-General		Mimeographed document only
A/2457	Memorandum by the Secretary-General	1	
A/2523 and Corr.1	Report of the Third Committee	5	
A/C.3/L.355	Belgium, Denmark, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution	3	
A/C.3/L.355/Rev.1	Belgium, Denmark, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution	3	
A/C.3/L.355/Rev.2	Belgium, Denmark, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution		See A/2523 and Corr.1, para. 17, draft resolution I
A/C.3/L.356	Statement by the United Nations High Commissioner for Refugees		Mimeographed document only. For substance of document see 497th meeting of the Third Committee
A/C.3/L.357	Belgium, Brazil, Colombia, Denmark, Netherlands, Norway and United Kingdom of Great Britain and Northern Ireland: draft resolution	4	
A/C.3/L.357/Rev.1	Belgium, Brazil, Colombia, Denmark, Netherlands, Norway and United Kingdom of Great Britain and Northern Ireland: revised draft resolution		See A/2523 and Corr.1, para. 17, draft resolution II

A/C.3/L.358	Syria: amendment to the revised draft resolution submitted by Belgium, Denmark, Netherlands, Sweden, United Kingdom and Uruguay (A/C.3/L.355/Rev.1)	4	
A/C.3/L.359	Yugoslavia: amendments to the draft resolution submitted by Belgium, Brazil, Colombia, Denmark, Netherlands, Norway and United Kingdom (A/C.3/L.357)	4	
A/C.3/L.360	United States of America: amendments to the revised draft resolution submitted by Belgium, Denmark, Netherlands, Sweden, United Kingdom and Uruguay (A/C.3/L.355/Rev.1) ..	5	
A/C.3/L.361	Syria: amendments to the draft resolution submitted by Belgium, Brazil, Colombia, Denmark, Netherlands, Norway and United Kingdom (A/C.3/L.357)	5	
A/C.5/540	Revised estimates for section 20 (a): Office of the High Commissioner for Refugees		<i>Official Records of the General Assembly, Eighth Session, Annexes, agenda item 39</i>
A/RESOLUTION/117	Prolongation of the Office of the United Nations High Commissioner for Refugees: resolution adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953		<i>Ibid., Supplement No. 17, resolution 727 (VIII)</i>
A/RESOLUTION/118	Work of the Office of the United Nations High Commissioner for Refugees: resolution adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953		<i>Ibid., resolution 728 (VIII)</i>

GENERAL ASSEMBLY



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EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 29 : Continuation on a permanent basis of the United Nations International Children's Emergency Fund

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DOCUMENT A/L.163

Argentina, Australia, Brazil, Canada, France, Greece, India, Iraq and Philippines : draft resolution

[Original text : English-French]
[3 October 1953]

The General Assembly,

Considering the word-wide disproportion between the magnitude of social service tasks to be undertaken and the available means of implementation,

Considering the role that the United Nations International Children's Emergency Fund plays in the whole international programme for the protection of the child,

Considering that the Fund's activities are useful, not only because they realize some of the high objectives which have been adopted by the United Nations, but also because they create favourable conditions for the development of the long-range economic and social programmes of the United Nations and the specialized agencies, particularly the World Health Organization and the Food and Agriculture Organization of the United Nations,

Considering the urgent need for continuing the work of UNICEF, particularly in the under-developed regions of the world,

Considering that the number of governments making contributions to UNICEF has increased constantly since 1950,

1. Affirms that the regulations which govern the activity of the United Nations International Children's Emergency Fund have enabled it to achieve satisfactory techniques, to acquire valuable experience and to accomplish its task successfully ;

2. Reaffirms the pertinent provisions of its resolutions 57 (I) and 417 (V), with the exception of any reference to time limits contained in these resolutions ;

3. Decides to change the name of the organization to the *United Nations Children's Fund*, retaining the symbol UNICEF ;

4. Requests the Economic and Social Council to continue to review periodically the work of UNICEF and to make recommendations to the General Assembly as appropriate ;

5. Requests the Secretary-General :

(a) To ensure that the programmes carried on by UNICEF continue to be co-ordinated effectively with the regular and technical assistance programmes of the United Nations and the specialized agencies ;

(b) To report thereon to the Economic and Social Council in 1954 and subsequently as appropriate ;

6. Commends UNICEF, the United Nations Secretariat and the specialized agencies concerned for the close working relations which have developed progressively and requests them to strengthen those relations in giving full effect to the desires of the Assembly as expressed in resolution 417 (V) and this resolution.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 452nd plenary meeting, on 6 October 1953, the General Assembly adopted the draft resolution submitted by Argentina, Australia, Brazil, Canada, France, Greece, India, Iraq and Philippines (A/L.163). For the final text, see resolution 802 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		See Official Records of the General Assembly, Eighth Session, Supplement No. 3.
A/L.163	Argentina, Australia, Brazil, Canada, France, Greece, India, Iraq and Philippines : draft resolution	1	
A/RESOLUTION/111	Resolution adopted by the General Assembly at its 452nd plenary meeting on 6 October 1953		<i>Ibid.</i> , Supplement No. 17, Resolution 802 (VIII).
E/2409 E/ICEF/226	United Nations International Children's Emergency Fund. A special report of the Executive Board		See Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 6 A.
E/CN.5/267/Rev.1	<i>Preliminary Report on the World Social Situation</i>		United Nations Publication, Sales No.: 1952.IV.11.
E/ICEF/236	United Nations International Children's Emergency Fund. General progress report of the Executive Director		Mimeographed document only.

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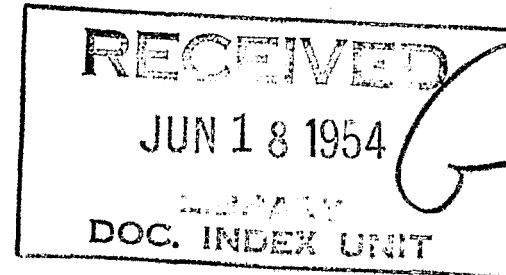
EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 30 : Transfer to the United Nations of functions and powers exercised by the League of Nations under the Slavery Convention of 25 September 1926 : draft Protocol prepared by the Secretary-General

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DOCUMENT A/2435

Memorandum by the Secretary-General

[Original text : English]
[10 August 1953]

1. By its resolution 475 (XV) on slavery, adopted on 27 April 1953, the Economic and Social Council, *inter alia* :

"1. Recommends that the General Assembly invite the States Parties, or which may become Parties, to the international Slavery Convention of 1926¹ to agree to the transfer to the United Nations of the functions undertaken by the League of Nations under the said Convention ;" and

"2. Requests the Secretary-General to prepare a draft protocol to this end, to communicate it to the States Parties to the international Slavery Convention of 1926 for their observations, and to submit it to the General Assembly at its eighth session for appropriate action."

2. Pursuant to operative paragraph 2 of the resolution, the Secretary-General has the honour to submit herewith to the General Assembly for appropriate action a draft resolution and a draft protocol transferring to the United Nations the functions and powers exercised by the League

of Nations under the international Slavery Convention of 1926 (see appendix). The Secretary-General has communicated the draft protocol to the States Parties to the Convention for their observations, and will circulate the observations received as addenda to the present document.

It will be recalled that the General Assembly had requested the Economic and Social Council to study the problem of slavery by resolution 278 (III) of 13 May 1949. The Council, in July of that year (resolution 238 (IX)), instructed the Secretary-General, after consultation with the bodies having special competence in this field, to appoint a small *ad hoc* committee of not more than five experts :

"1. To survey the field of slavery and other institutions or customs resembling slavery ;

"2. To assess the nature and extent of these several problems at the present time ;

"3. To suggest methods of attacking these problems ;

"4. Having regard to the recognized fields of competence of the various bodies within the framework of the United Nations, to suggest an appropriate division of responsibility among these bodies ; and

"5. To report to the Council within twelve months of its appointment."

¹ The text of the Slavery Convention will be found in League of Nations document No. C.586.M.223. 1926. VI. A statement on the position of this Convention on 9 July 1944 as to signatures, ratifications and accessions, prepared by the League of Nations, is to be found in Special Supplement No. 193 of the *Official Journal* of the League of Nations, chapter VII, section III.

4. The *Ad Hoc* Committee on Slavery met at Lake Success in February and March 1950, and in New York in April 1951. At the end of the latter session, it submitted its report, (E/1988) to the Economic and Social Council.

5. The Council considered the report at its thirteenth session.² On 10 September 1951 it adopted resolution 388 (XIII), whereby it requested the Secretary-General:

"To obtain such information, including information from governments, as is necessary in order to supplement the material presented by the Committee, to examine the Committee's report and recommendations in the light of that information, of the documentation already assembled by the Committee, and of the discussions on this subject during the thirteenth session of the Council, and to report thereon to the Council as soon as practicable, indicating what action the United Nations and specialized agencies could most appropriately take in order to achieve the elimination of slavery, the slave trade and forms of servitude resembling slavery in their effects."

6. Pursuant to this resolution, the Secretary-General submitted to the Council at its fifteenth session a report entitled "Slavery, the Slave Trade, and other Forms of Servitude" (E/2357). At an earlier date, the Secretary-General had published separately an historical account of the suppression of slavery and of the slave trade by means of international agreement, and of the work of the League of Nations for the suppression of slavery.³

7. The Council considered the report of the Secretary-General at its fifteenth session⁴ and, on 27 April 1953, adopted the resolution referred to in paragraph 1 above.

Appendix

DRAFT RESOLUTION

The General Assembly of the United Nations,

Desirous of continuing international co-operation relating to the elimination of slavery,

1. Approves the Protocol which accompanies this resolution;
2. Urges all States Parties to the Slavery Convention to accede to this Protocol; and
3. Recommends to all other States that they accede at their earliest opportunity to the Slavery Convention as amended by the present Protocol.

DRAFT PROTOCOL AMENDING THE SLAVERY CONVENTION SIGNED AT GENEVA ON 25 SEPTEMBER 1926

The Parties to the present Protocol,

Considering that under the Slavery Convention signed at Geneva on 25 September 1926 (hereinafter called "the Convention") the League of Nations was invested with certain duties and functions, and

Considering that it is expedient that these duties and functions should be continued by the United Nations,
Hereby agree as follows:

Article I

The Parties to the present Protocol undertake that as between themselves they will attribute full legal force and effect to the Convention as amended in the manner set forth in the annex to the present Protocol.

² See documents E/AC.7/SR.205 to E/AC.7/SR.208. See also *Official Records of the Economic and Social Council, Thirteenth Session, 544th meeting.*

³ See *The Suppression of Slavery (ST/SOA/4)*, United Nations publications, Sales No.: 1951. XIV. 2.

⁴ See documents E/AC.7/SR.228 to E/AC.7/SR.233. See also *Official Records of the Economic and Social Council, Fifteenth Session, 702nd meeting.*

Article II

1. The present Protocol shall be open for accession by any of the Parties to the Convention to which the Secretary-General shall have communicated for this purpose a certified copy of the present Protocol.

2. Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall give notice thereof to all States Members of the United Nations and to every other State contemplated in paragraph 1 of this article.

Article III

1. The present Protocol shall come into force on the date on which two States shall have acceded thereto, and shall thereafter come into force in respect of each State upon the date of the deposit of its instrument of accession.

2. The amendments set forth in the annex to the present Protocol shall come into force when twenty-three States shall have become Parties to the present Protocol, and consequently any State becoming a Party to the Convention, after the amendments thereto have come into force, shall become a Party to the Convention as so amended.

Article IV

In accordance with paragraph 1 of Article 102 of the Charter of the United Nations and the regulations pursuant thereto adopted by the General Assembly, the Secretary-General of the United Nations is authorized to effect registration of the present Protocol and of the amendments made in the Convention by the present Protocol on the respective dates of their entry into force and to publish the Protocol and the amended text of the Convention as soon as possible after registration.

Article V

The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations Secretariat. The Convention to be amended in accordance with the annex being in the English and French languages only, the English and French texts of the annex shall be equally authentic and the Chinese, Russian and Spanish texts shall be translations. The Secretary-General shall prepare a certified copy of the Protocol, including the annex, for communication to States Parties to the Convention, as well as to all other States Members of the United Nations. He shall likewise prepare for communication to States, including States not members of the United Nations, upon the entry into force of the amendments as provided in article III, a certified copy of the Convention as so amended.

Done at United Nations, New York, this day of 1953.

ANNEX TO THE PROTOCOL AMENDING THE SLAVERY CONVENTION SIGNED AT GENEVA ON 25 SEPTEMBER 1926

In article 7 "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In article 8 "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice", and "the Statute of the International Court of Justice" shall be substituted for "the Protocol of December 16th, 1920, relating to Permanent Court of International Justice".

In the first and second paragraphs of article 10 "the United Nations" shall be substituted for "the League of Nations".

The last three paragraphs of article 11 shall be deleted and the following substituted:

"The present Convention shall be open to accession by all States, including States which are not members of the United Nations, to which the Secretary-General of the United Nations shall have communicated a certified copy of the Convention.

"Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall give notice thereof to all States Parties to the Convention and to all other States contemplated in this article, informing them of the date on which each such instrument of accession was received in deposit." In article 12 "the United Nations" shall be substituted for "the League of Nations".

DOCUMENT A/2517

Report of the Sixth Committee

[Original text: French]
[19 October 1953]

1. By resolution 475 (XV) of 27 April 1953, the Economic and Social Council: (a) recommended that the General Assembly should invite States which were or might become Parties to the Slavery Convention of 25 September 1926 to agree to the transfer to the United Nations of the functions undertaken by the League of Nations under that Convention, and (b) requested the Secretary-General to prepare a draft Protocol to that end.

2. In accordance with this resolution, the Secretary-General prepared a draft Protocol which he submitted to the General Assembly in the form of an annex to his memorandum (A/2435) in which he outlined the background of the question.

3. In his notes (A/2435/Add.1, 2 and 3) the Secretary-General transmitted to the General Assembly the observations he had received from governments on the draft Protocol and which he had circulated to States Parties to the Slavery Convention in accordance with the request in Economic and Social Council resolution 475 (XV).

4. At its 435th plenary meeting on 17 September 1953, the General Assembly decided to include in the agenda of its eighth session the item: "Transfer to the United Nations of functions and powers exercised by the League of Nations under the Slavery Convention of 25 September 1926: draft Protocol prepared by the Secretary-General," and referred the item to the Sixth Committee for consideration.

5. The Sixth Committee considered the item at its 369th and 370th meetings, held on 12 and 15 October 1953.

6. The Committee had before it a draft resolution submitted by the United Kingdom (A/C.6/L.304). Under the operative part of that draft resolution the General Assembly: (a) would approve the Protocol accompanying the draft resolution; (b) would urge "all States Parties to the Slavery Convention to sign or accept this Protocol"; and (c) would recommend all other States to accede at their earliest opportunity to the Slavery Convention as amended by the Protocol.

7. In submitting the draft resolution the United Kingdom representative stressed the purely formal character of the accompanying Protocol; its adoption would cast no doubt whatever on the depositary functions exercised by the Secretary-General under the terms of General Assembly resolution 24 (I) of 12 February 1946. He pointed out that the main difference between that Protocol and that annexed to the Secretary-General's memorandum (A/2435) was in article II, which, in keeping with precedents established in the matter, left it to States to sign the Protocol with or without a reservation as to subsequent acceptance. That would enable them, by signing it, immediately to show their approval of the Protocol and their continued support of the Slavery Convention. With regard to the text of article III of the Protocol, the United Kingdom representative observed that it was the same as that proposed by the Secretary-General, it being understood that, in accordance with the Secretary-General's practice, until such time as the amendments annexed to the Protocol came into force, a State not Party to the Convention would, in acceding to it, at the same time become Party to the Protocol. As to the text of the amendments, again they were in no way different from those proposed by the Secretary-General.

The United Kingdom representative pointed out in that connexion that the paragraph concerning article 11 of the Convention originally suggested in his Government's note (A/2435/Add.3) had contained simpler amendments. He explained that the changes made in that article, as they appeared in the United Kingdom's draft, had been introduced for the sake of conformity with the provisions generally adopted in similar cases where the Secretary-General acted as depositary.

8. During the discussions in the Sixth Committee the question was raised, in connexion with the broader problem of the adaptation of League of Nations Conventions to the United Nations, whether a protocol was necessary for the transfer to the Organization of the functions and powers exercised by the League of Nations under the Slavery Convention. In that connexion, the Committee's attention was drawn to General Assembly resolution 24 (I) on the transfer to the United Nations of certain functions and activities of the League of Nations and to the resolution of the League of Nations Assembly of 18 April 1946. The United Nations General Assembly stated in section I of resolution 24 (I) that the Organization was prepared to accept the custody of international instruments formerly entrusted to the League of Nations and to charge the Secretariat of the United Nations with the task of performing for the parties the functions, pertaining to a secretariat, formerly entrusted to the League of Nations and set forth in part A of that resolution. There was therefore no need for a protocol for the transfer of such functions. An analysis of the Slavery Convention moreover showed that only article 7, which laid upon parties the obligation to inform the Secretary-General of the League of Nations of, *inter alia*, the laws and regulations enacted by them for the purpose of applying the Convention, might perhaps require a protocol before it could be sanctioned. But it was pointed out in that connexion that, even if that were the case, some practical remedy for the deficiency might easily be found. Finally, with regard to the invitation addressed to certain States Member or non-member which could not at the present stage accede to the Convention, it would be enough for the General Assembly to adopt a resolution to that effect (370th meeting).

9. Some delegations expressed the opinion that a protocol was desirable for the purpose of transferring to the United Nations the functions and powers exercised by the League of Nations under the International Slavery Convention so that States non-member which were Parties to the Convention might give their assent to such a transfer. The same delegations also pointed out that there were several precedents.

10. The Secretary-General's representative said that the Secretary-General considered himself bound by the terms of part A of section I of General Assembly resolution 24 (I) of 12 February 1946. In accordance with the provisions of that resolution, the Secretary-General had always confined himself to the exercise of purely administrative functions and there had never been any objections. Thus, he had accepted, and notified the States concerned of, the depositing with him of instruments relating to Conventions which entrusted the Secretary-General of the League of Nations with the functions of depositary and which had never been the subject of a protocol of transfer. The adoption of a protocol, which

the General Assembly had frequently thought desirable, would nevertheless not reflect upon the status of States which, by depositing an instrument of accession or ratification with the Secretary-General, had become Parties to such Conventions.

11. Some delegations emphasized that in their opinion the Slavery Convention of 25 September 1926 appeared inadequate at the present time, particularly in the light of the report of the *Ad Hoc* Committee on Slavery (E/1988). They indicated that they had nonetheless supported the transfer to the United Nations of the functions exercised by the League of Nations under that Convention in the hope that the whole problem would shortly be re-examined and a fresh Convention adopted so as to place the campaign against slavery on a broader footing.

12. With reference to the provisions of the Protocol accompanying the United Kingdom draft resolution (A/C.6/L.304), several delegations indicated that they were in favour of the provisions of its article II, particularly in the matter of the method of acceptance by successive stages, as in other international instruments concluded under the auspices of the United Nations or the specialized agencies, which enabled States to become Parties without having to go through the more complicated procedure of ratification or accession.

13. The representative of El Salvador submitted an oral amendment proposing that the provisions of article I of the Protocol accompanying the draft resolution should be replaced by the provisions of article I of the Protocol annexed to the Secretary-General's memorandum (A/2435).

14. The oral amendment submitted by El Salvador was rejected by 13 votes to 7, with 24 abstentions.

15. The United Kingdom draft resolution was adopted by 38 votes to none, with 9 abstentions.

Recommendation of the Sixth Committee

16. The Sixth Committee accordingly recommends that the General Assembly should adopt the following resolution:

TRANSFER TO THE UNITED NATIONS OF THE FUNCTIONS EXERCISED BY THE LEAGUE OF NATIONS UNDER THE SLAVERY CONVENTION OF 25 SEPTEMBER 1926

The General Assembly,

Considering Economic and Social Council resolution 475 (XV) adopted on 27 April 1953, concerning the transfer to the United Nations of the functions exercised by the League of Nations under the Slavery Convention of 1926,

Desirous of continuing international co-operation relating to the elimination of slavery,

1. *Approves* the Protocol which accompanies the present resolution;
2. *Urges* all States Parties to the Slavery Convention to sign or accept this Protocol;
3. *Recommends* all other States to accede at their earliest opportunity to the Slavery Convention as amended by the present Protocol.

PROTOCOL AMENDING THE SLAVERY CONVENTION SIGNED AT GENEVA ON 25 SEPTEMBER 1926

The Parties to the present Protocol,

Considering that under the Slavery Convention signed at Geneva on 25 September 1926 (hereinafter called "the Convention") the League of Nations was invested with certain duties and functions, and

Considering that it is expedient that these duties and functions should be continued by the United Nations,
Have agreed as follows:

Article I

The Parties to the present Protocol undertake that as between themselves they will, in accordance with the provisions of the Protocol, attribute full legal force and effect to and duly apply the amendments to the Convention set forth in the annex to the Protocol.

Article II

1. The present Protocol shall be open for signature or acceptance by any of the Parties to the Convention to which the Secretary-General has communicated for this purpose a copy of the Protocol.

2. States may become Parties to the present Protocol by:

- (a) Signature without reservation as to acceptance;
- (b) Signature with reservation as to acceptance, followed by acceptance;
- (c) Acceptance.

3. Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article III

1. The present Protocol shall come into force on the date on which two States shall have become Parties thereto, and shall thereafter come into force in respect of each State upon the date on which it becomes a Party to the Protocol.

2. The amendments set forth in the annex to the present Protocol shall come into force when twenty-three States shall have become Parties to the Protocol, and consequently any State becoming a Party to the Convention, after the amendments thereto have come into force, shall become a Party to the Convention as so amended.

Article IV

In accordance with paragraph 1 of Article 102 of the Charter of the United Nations and the regulations pursuant thereto adopted by the General Assembly, the Secretary-General of the United Nations is authorized to effect registration of the present Protocol and of the amendments made in the Convention by the Protocol on the respective dates of their entry into force and to publish the Protocol and the amended text of the Convention as soon as possible after registration.

Article V

The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations Secretariat. The Convention to be amended in accordance with the annex being in the English and French languages only, the English and French texts of the annex shall be equally authentic and the Chinese, Russian and Spanish texts shall be translations. The Secretary-General shall prepare a certified copy of the Protocol, including the annex, for communication to States Parties to the Convention, as well as to all other States Members of the United Nations. He shall likewise prepare for communication to States, including States not Members of the United Nations, upon the entry into force of the amendments as provided in article III, a certified copy of the Convention as so amended.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, signed the present Protocol on the date appearing opposite their respective signatures.

Done at the Headquarters of the United Nations, New York, this day of 1953.

**ANNEX TO THE PROTOCOL AMENDING THE SLAVERY CONVENTION
SIGNED AT GENEVA ON 25 SEPTEMBER 1926**

In *article 7* "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In *article 8* "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice", and "the Statute of the International Court of Justice" shall be substituted for "the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice".

In the first and second paragraphs of *article 10* "the United Nations" shall be substituted for "the League of Nations".

The last three paragraphs of *article 11* shall be deleted and the following substituted :

"The present Convention shall be open to accession by all States, including States which are not members of the United Nations, to which the Secretary-General of the United Nations shall have communicated a certified copy of the Convention.

"Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall give notice thereof to all States Parties to the Convention and to all other States contemplated in this article, informing them of the date on which each such instrument of accession was received in deposit."

In *article 12* "the United Nations" shall be substituted for "the League of Nations".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted the above draft resolution, submitted by the Sixth Committee. For the final text, see resolution 794 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2435	Memorandum by the Secretary-General	1	
A/2435/Add.1	Note by the Secretary-General transmitting communications from the Governments of Greece, Haiti and Switzerland		Mimeographed document only.
A/2435/Add.2	Note by the Secretary-General transmitting communications from the Government of Belgium		<i>Idem.</i>
A/2435/Add.3	Note by the Secretary-General transmitting communications from the Governments of the Federal Republic of Germany and the United Kingdom		<i>Idem.</i>
A/2517	Report of the Sixth Committee	3	
A/C.6/L.304	United Kingdom of Great Britain and Northern Ireland: draft resolution		Adopted without change. See A/2517, para. 16.
A/RESOLUTION/115	Resolution adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 794 (VIII).
E/1988	Report of the Ad Hoc Committee on Slavery (second session)		Official records of the Economic and Social Council, Thirteenth Session, Annexes, agenda item 21.
E/AC.7/L.142	Authority of the Secretary-General to perform functions under the 1926 Slavery Convention and other League of Nations conventions — Statement by the representative of the Legal Department		Mimeographed document only.



Agenda item 31: The Ewe and Togoland unification problem: special report of the Trusteeship Council

C O N T E N T S

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Plenary meetings (first phase):		
A/2424	Special report of the Trusteeship Council.....	1
Fourth Committee:		
A/C.4/249	Extract from the White Paper of the Gold Coast Government, relating to Togoland under British administration.....	5
A/C.4/L.308	Argentina, Egypt, Lebanon, Liberia, Pakistan, Philippines and Venezuela: draft resolution....	6
A/C.4/L.309	Brazil, Cuba, India, Indonesia, Philippines and Syria: draft resolution.....	7
A/C.4/L.310	Brazil, India, Indonesia, Liberia, Philippines and Syria: draft resolution.....	7
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DOCUMENT A/2424

Special report of the Trusteeship Council

[Original text: English]
[22 July 1953]

I. INTRODUCTION

1. By its resolution 652 (VII) of 20 December 1952 the General Assembly took action upon the special report¹ of the Trusteeship Council on the Ewe and Togoland unification problem, which included the Council resolution 643 (XI) and which transmitted the special report² of the 1952 United Nations Visiting Mission to Trust Territories in West Africa; upon statements made before the Fourth Committee of the General Assembly by representatives of the All-Ewe Conference, the Joint Togoland Congress and the Parti togolais du progrès; and upon the observations made by the representatives of France and the United Kingdom as the Administering Authorities concerned.

2. By its resolution the General Assembly, *inter alia*, noted that resolution 643 (XI) of the Trusteeship Council requested the Administering Authorities to report fully to the Council in advance of the eighth session of the Assembly on all steps taken by them pursuant to

the special report of the 1952 Visiting Mission. The General Assembly requested the Administering Authorities to include in such reports accounts of steps taken by them pursuant to its own resolution, as well as a full account of all factors affecting the unification question. Finally the Council was requested to submit to the General Assembly at its eighth session a special report on the implementation by the Administering Authorities of the General Assembly's resolution and on the action taken by the Council on it.

3. In the course of the twelfth session of the Council the two Administering Authorities concerned submitted the text³ of an announcement made to the public in Togoland under British administration and in Togoland under French administration on 12 June 1953 concerning action to be taken in pursuance of certain paragraphs of the General Assembly's resolution relating to the re-constitution of the Joint Council for Togoland Affairs. At the 481st meeting of the Council on 15 July 1953 the representatives of France and the United Kingdom, in oral statements, supplemented the infor-

¹ See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 32, document A/2289.

² T/1034.

³ T/1067/Rev.1.

mation contained in the text of the announcement and gave additional information relating to other paragraphs of the Assembly's resolution.

4. At the same meeting, the Council decided that the information thus communicated by the two Administering Authorities should form the basis of the present special report which the Council submits to the General Assembly in pursuance of resolution 652 (VII).

II. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 652 (VII)

General

5. The General Assembly, in the preamble to resolution 652 (VII), enumerated certain considerations as the basis of the operative parts of its resolution. In addition to noting the texts, statements and observations referred to in paragraph 1 above, the preamble noted a statement made by the United Kingdom in the case of Togoland under British administration to the effect that during the period of trust the Administering Authority must provide political institutions, systems of education and information, and freedom of speech and political activity, which would enable the various political parties to place their programmes before the people and, by democratic methods, to seek to enlist majority support. In the case of Togoland under French administration, the preamble to the resolution recalled statements previously made on behalf of the Administering Authority to the effect that it was the policy of the latter to promote the development of representative political institutions and democratic political activity in the Trust Territories under French administration and that the people of those Territories would, when the period of trusteeship came to an end, have full freedom of choice as to the future political status of the Territories, whether in association with another political entity or otherwise. Finally, the preamble indicated that the General Assembly bore in mind that the unification of the two Togolands was the manifest aspiration of the majority of the population of both Trust Territories, and that it desired to promote the political advancement of the Territories and their freely expressed wishes in conformity with the basic objectives of the International Trusteeship System.

General efforts at settlement

6. In the first and second operative paragraphs of resolution 652 (VII), the General Assembly continued to urge the Administering Authorities and the peoples concerned to exert every effort to achieve a prompt, constructive and equitable settlement of the unification problem, taking fully into account the freely expressed wishes of the people concerned; and expressed regret that the election procedures devised for the establishment of the Joint Council for Togoland Affairs had not resulted in the participation of all the major groups. In the fourth paragraph it urged all the principal parties to make every effort to assist constructively in the further consultations (see below) which it proposed.

7. In this connexion, the representative of the United Kingdom assured the Council that it was the wish and intention of his Government to take all possible steps to reach such a settlement as the General Assembly had envisaged. His Government shared the regret of the Assembly that all the major groups in the Territories had not been prepared to participate fully in the previous consultations, and it welcomed the Assembly's further

appeal for constructive assistance on the part of all the principal parties. His Government did not doubt that all responsible elements in the Territory under its administration, who had the true welfare of the country and its people at heart, would in fact heed this injunction, which would be of great assistance to the Administering Authority in its task.

8. The representative of France stated that the choice of the solutions to be adopted was henceforth in the hands of the political parties of the two Togolands. It was to be hoped that they would not overlook the application of the General Assembly resolution to themselves, in the sense that it urged them to spare no effort to make a positive contribution of their own to the settlement of the problem. He could say that the various parties had undertaken very seriously, and even with ardour, the discussion of the matters which had now been placed before them.

Reconstitution of the Joint Council

(a) Consultations

9. The General Assembly, in the third operative paragraph of its resolution, recommended that the two Administering Authorities should carry on full and extensive consultations with the principal political parties in the two Territories and make every effort to bring about the re-establishment of the Joint Council for Togoland Affairs, or a similar body, on a basis which would enlist the co-operation of all major segments of the population, so that it might be an effective and representative organ for the consideration of the common problems of the two Territories.

10. The public announcement which was made in each of the two Territories on 12 June 1953 by the Administering Authorities, the text of which was communicated by them to the Trusteeship Council, reproduced the text of the above-mentioned paragraph of the Assembly's resolution and that of the paragraph urging the principal parties to make every effort to give their constructive assistance. It stated that in accordance with the spirit of the resolution, the Administering Authorities were now inviting all parties and sections of the population to make known their views of the principles on which should be based the reconstitution, the terms of reference, the method of election to and the composition of the Joint Council. The announcement then set out the considerations relating to terms of reference, methods of election, and composition (see below) by which the Administering Authorities would be guided in order that the views expressed could be directed to the practical requirements of the situation. It concluded by inviting comments and suggestions on the principles set forth, adding also that the co-Chairmen of the existing Joint Council might consult the members of the two sides of that Council of which they were the respective leaders on the various issues set forth. The views of each side, elicited in this way, would receive full consideration by the Administering Authorities, in common with the views of other sections and parties of public opinion.

11. The representative of the United Kingdom explained to the Trusteeship Council that the public announcement had been made after thorough consultation between the two Administering Authorities. He stated, further, that his Government would also give full consideration to views which had already been submitted by various parties and groups in Togoland under British

administration and which were available to the Council in the form of documents,⁴ among the more significant of which were a communication⁵ presenting in some detail the views of the Joint Togoland Congress and another⁶ representing the joint views of a number of public bodies in the Southern Section regarding the future of the Territory. The representative added that it was as yet somewhat early to expect the principal bodies and political parties to have formulated and communicated their views to the Administering Authority in response to the public announcement.

12. The representative of France also referred to a thorough exchange of views which had taken place between the two Governments prior to the simultaneous public announcement that had marked the opening of the consultations recommended by the General Assembly. He had similarly received no information, up to the date of his statement, as to the results of those consultations.

(b) Terms of reference

13. The General Assembly, in paragraph 5 of its resolution, recommended that the terms of reference of the Joint Council or similar body should be such as to enable it to consider and make recommendations upon all political, economic, social and educational matters affecting the two Trust Territories, including the question of their unification.

14. In the public announcement of 12 June 1953, the Administering Authorities set out the considerations by which they would be guided in respect of the terms of reference of the Joint Council. The announcement stated that the basic need was to evolve terms of reference which would enable the Joint Council to consider the common problems of the two Territories. Such terms could either be detailed and specific, directing the attention of the Council to particular matters, or generally worded on the lines of paragraph 5 of the Assembly resolution and the existing terms of reference, which read as follows:

"To discuss and advise the Administering Authorities on the co-ordination of development plans in frontier areas, the amelioration of conditions caused by the existence of the frontier, and other matters of common concern to the people of the two Trust Territories."

(c) Method of election

15. The General Assembly, also in paragraph 5 of its resolution, recommended that, as a first stage, the Joint Council should be reconstituted, and re-established as soon as possible, by means of direct elections on the basis of universal adult suffrage exercised by secret ballot.

16. The public announcement of 12 June 1953 stated, as the consideration by which the Administering Authorities would be guided, that the principal objective must be to ensure that the Council was adequately representative of all sections of the population. That could probably be done by some form of direct election, based on wide suffrage, such as had been recently utilized in each Territory. It was necessary to bear in mind the impracticability, in the time available, of

establishing and operating extensive new machinery, as well as the cost of such a proceeding. Constructive comment could therefore best be directed to the possibility of utilizing existing electoral machinery.

(d) Composition of the Council

17. The General Assembly did not refer specifically in its resolution to the question of the composition of the reconstituted Joint Council or similar body.

18. The public announcement of 12 June 1953 stated, as the consideration by which the Administering Authorities would be guided, that the problem in this respect was that of reconciling the facts that the populations of the two Territories were to be adequately represented, that Togoland under French administration was much the larger and more populous of the two, but that the interests of Togoland under British administration must be adequately safeguarded both in the sense that its representatives must be numerous enough to play an effective part in the Joint Council and to man its committees, and also in the sense that, even though numerically a minority in the full Council, they could nevertheless exercise some effective control over the taking of decisions by the Council. The Administering Authorities had examined the possibility of reconciling those factors and to that end had formulated the following principles:

(i) The total number of seats in the Council to be such as to ensure that the representatives of Togoland under British administration were numerous enough to enable them to discharge the tasks which they would have to assume;

(ii) A voting rule to be established guaranteeing to the representatives of Togoland under British administration that proposals which did not secure the approval of a majority of their number could not be adopted by the Council as a whole; for example, the rule might provide that decisions of the Council, to be effective, must not only receive the approval of, say, three-quarters of the Council's total membership, but also that approval of a simple majority both of the representatives of Togoland under British administration, on the one hand, and of the representatives of Togoland under French administration on the other hand.

Technical assistance

19. The General Assembly, in paragraph 6 of its resolution, invited the two Administering Authorities to give increasing attention to the possibilities of promoting and expediting the general development of the two Togolands which were provided by the United Nations Expanded Programme of Technical Assistance for economic development.

20. The representative of the United Kingdom referred to paragraph 6 in giving the Trusteeship Council an indication of plans announced by the Prime Minister of the Gold Coast, on the occasion of the opening of the first session of the Trans-Volta-Togoland Council, for the further development of the newly-created Trans-Volta-Togoland region of the Gold Coast, which embraces the Southern Section of Togoland under British Administration, in which the headquarters of the region lie. The Prime Minister had recalled that the principal economic artery of Togoland was the road from Accra which crossed the Volta River at Senchi and led to the rich cocoa areas along the eastern frontier. The Prime Minister and his colleagues were con-

⁴ Petitions raising general questions, under the symbols T/PET.6/L and T/PET.6 and 7/L.

⁵ T/PET.6 and 7/L.6.

⁶ T/PET.6/L.6.

vinced that the primary need of Togoland was the very early provision of a first-class tarred road along the route and its extension into the Northern Territories. In addition to funds already voted to provide for the reconstruction of the road between Senchi and Kpevie, the Gold Coast Government had decided to allocate the further sum of £1 million sterling, to be used in providing a bridge across the Volta River, in speeding up work on sections under reconstruction in the Kpandu and Jasikan districts, in surveying the new route from the Ahamansu-Papase area to Bimbilla, and in improving the sections from Bimbilla north to Bawku. The Prime Minister had stated that the bridging of the Volta River, where the existing ferry constituted a great barrier, would help to bring closer together the peoples living on either side of the river, and should enable Togoland to reap the benefits of the new harbour to be built at Tema in the Gold Coast and to find a market for its foodstuffs among the labour employed on building the harbour.

21. The Prime Minister of the Gold Coast had stated, further, that one of his Government's objects in setting up the Trans-Volta-Togoland Council had been to increase the pace and range of development. In order to associate the Council members as closely as possible with the planning of development in their region, the Government proposed to invite the Council to put forward, for consideration and approval by the Standing Development Committee, schemes costing up to a maximum of £1 million sterling over and above those already provided in the list of development projects to be carried out before 1956.

22. The representative of the United Kingdom remarked that the statement of the Prime Minister of the Gold Coast clearly exemplified the policy of the Administering Authority regarding the development of the Trust Territory. It also revealed the increasing advantages being gained by the Trust Territory from its association with the Gold Coast, which was expressly authorized by the Trusteeship Agreement.

23. The representative of France stated, in connexion with paragraph 6 of the resolution, that his Government considered that the achievements realized under the general plan of overseas development (FIDES) and those which were provided for in the four-year plan were calculated to expedite and promote the economic and social development of Togoland under French administration and to remove from the intervention of an international organization not its acknowledged usefulness but at least its urgency. Nevertheless, whenever the occasion arose, the assistance and support of an organization of that kind had been accepted. Thus, the Territory had been able recently to acquire, with the help of the World Health Organization, seven vehicles to be used in the anti-malaria campaign; they had been immediately placed in service and afforded extremely valuable assistance, for which the Administering Authority was most grateful to the specialized agency concerned.

24. Speaking further of the economic progress achieved in Togoland, particularly in connexion with the report⁷ of the 1952 Visiting Mission on the Territory—in the light of whose recommendations a number of political and social as well as economic measures had already been taken—the representative of France stated that prospecting recently carried out in the Anécho region had proved the existence of impor-

tant deposits of phosphates of a very high quality, the potential production of which was estimated at 300,000 tons per year. Further prospecting was being carried out. In addition, the construction of certain roads in which the Visiting Mission had been interested was being pursued. In the case of the health services, there were at present thirty-two Togoland students studying medicine in France; they would return to Togoland with the full diploma of Doctor of Medicine.

Evolution of northern peoples

25. The General Assembly, in paragraph 7 of its resolution, urged the two Administering Authorities to intensify their efforts to bring about the more rapid evolution of the northern parts of both Togolands so that the peoples of those sections would be better qualified to play their role and express their views in the political development of the Territories.

26. The representative of France informed the Council, in this connexion that in the case of Togoland under French administration the most recent annual revision of the electoral lists, at the beginning of 1953, had shown that very appreciable progress had been made in the northern region. For the first time since 1946, the number of electors enrolled in the north had surpassed the number enrolled in the south. He gave the following comparative figures:

	1952		1953	
	Population	Electors	Population	Electors
North	509,150	22,750	515,000	70,711
South	505,719	28,120	514,000	52,568

The representative added that the establishment of *communes mixtes*, which was being studied in the northern towns of Bassari, Lama-Kara and Dapango, and the construction of an administrative post at Bafilo and of another recently at Kandé, should permit, even in the immediate future, a speeding-up of the political development of the northern peoples, who had already played, through the existing district councils, a very active part in the political life of the Territory.

Frontier difficulties

27. The General Assembly, in paragraph 8 of its resolution, recommended that the two Administering Authorities should examine further all the frontier difficulties which had been complained of in various petitions and communications sent to the Trusteeship Council and to the 1952 Visiting Mission, and that they should take all possible steps to reduce or eliminate them.

28. The representative of the United Kingdom assured the Council that, in collaboration with the Government of France, his Government was continuing to take all practicable steps to alleviate the minor inconveniences which still arose from time to time as a result of the existence of an international frontier between the two Territories.

29. The representative of France confirmed this assurance on behalf of his Government. He stated that if the Joint Council could meet again, as his Government hoped, the study of certain ameliorations of frontier questions could be undertaken by one of its committees and by the experts which it could consult. If the Joint Council were unable to meet again, a special joint body composed of representatives of the two Togo-

⁷ T/1041.

lands could be envisaged. In any event, the two Governments were keeping in constant touch in order to seek all means of alleviating the inconveniences which arose from the frontier. The French Government did not entirely share the opinion of the Visiting Mission that the frontier problems were not of an economic but rather of a political nature. In its view, the problems were first and foremost economic. There had been no complaints during the twenty-five years of free exchange between the Territories; the existence of the frontier had not become noticeable to the populations until the Second World War, with the restrictions on trade and, more particularly, the establishment of exchange control, which were consequent upon that war.

Freedom of choice

30. The General Assembly, in paragraph 9 of its resolution, expressed its conviction that the implementation of the declared policies of the Administering Authorities would provide conditions in which the inhabitants of the Trust Territories could determine their own political destiny, and considered that this freedom of choice should be exercised through accepted democratic processes.

31. The representative of the United Kingdom reminded the Trusteeship Council that substantial development had taken place and was taking place in the organization of local government in Togoland under British administration. He referred, in particular, to the creation, as part of that development, of the Trans-Volta-Togoland Council with headquarters at Ho in the Trust Territory, and went on to speak of the part it would play in the planning of development in the region (see paragraph 20 above).

32. The representative of France, whose statement on the political evolution of the northern peoples is referred to in paragraph 26 above, also mentioned, in connexion with the political development of the Territory as a whole, and in the light of the report on the Territory by the 1952 Visiting Mission, the elevation in December 1952 of the Tsévié *subdivision* to the status of a *cercle*; the existence of a draft law extending the powers of the *circonscription* councils by granting them a deliberative voice and entrusting them with the establishment of local budgets; the fact that there was no longer a single jurisdiction which was not entrusted to a professional magistrate; the appointment at Sokodé of a justice of the peace with extended competence; and the success of a Togolander in gaining first place, ahead of the metropolitan candidates, in the examinations for the magistracy.

Promotion of common policies

33. The General Assembly, in paragraph 10 of its resolution, recommended that the two Administering Authorities, through the Joint Council or otherwise, should take steps to promote common policies on political, economic and social matters of mutual concern to the two Trust Territories.

34. The representative of the United Kingdom informed the Trusteeship Council that his own Government and that of France continued to be in close touch with a view to the promotion of common policies on political, economic and social matters of mutual concern to the two Trust Territories.

35. The representative of France referred to the constant liaison maintained between the two Governments interested in the problems of Togoland, and more particularly in the frontier problem.

DOCUMENT A/C.4/249

Extract from the White Paper of the Gold Coast Government, relating to Togoland under British administration

[Original text: English]
[13 November 1953]

Note: At the request of the United Kingdom delegation, and in response to a wish expressed by the Fourth Committee at its 366th meeting on 13 November 1953, the following extract, relating to Togoland under British administration, is reproduced from the White Paper of the Gold Coast Government issued in Accra, Gold Coast, in 1953, entitled *The Government's Proposals for Constitutional Reform*:

"Togoland

"24. The Government takes this opportunity of defining its attitude to the Togoland problem. The Northern Territories Council has expressed grave concern regarding the future of the Northern Section of Togoland under United Kingdom Trusteeship; four of the most important Northern Territories States extend into Togoland, and the Paramount

Chiefs and people are not prepared to see them dismembered by an international boundary. They therefore insist that a decision on the future of the Northern Section of Togoland should be taken before any further major advance is made towards self-government. The Prime Minister has assured the Northern Territories Council that, while the time has not come for formal proposals to be presented to the United Nations for the amendment of the Trusteeship Agreement, the Government of the Gold Coast is confident that, when the time comes, the United Nations Organization will not fail to give satisfaction to the frequently reiterated and unanimous demand of the people of the Northern Section for their area to become part of the Northern Territories of the Gold Coast. Indeed, for the United Nations Organization to do otherwise would, it is considered, be contrary to the basic objectives set out in the United Nations

Charter. The Chiefs and people concerned have made it abundantly clear that they have no intention of allowing an international boundary to divide the people living in the Northern Section of Togoland under United Kingdom Trusteeship from the Northern Territories.

“25. There is a growing opinion in Southern Togoland in favour of integration with the Gold Coast and it is hoped that, when the advantages of joining a self-governing Gold Coast are fully appreciated by the people of that area, they will be in a position to make clear their wishes for their future status.”

DOCUMENT A/C.4/L.308

Argentina, Egypt, Lebanon, Liberia, Pakistan, Philippines and Venezuela: draft resolution

[Original text: English/Spanish]
[18 November 1953]

The General Assembly,

Having examined the special report of the Trusteeship Council on the Ewe and Togoland unification problem (A/2424),

Taking into account the conclusion contained in the special report of the 1952 United Nations Visiting Mission (T/1034) that “the people of the Trust Territories desire in principle the unification of the two Trust Territories”,

Recalling that the General Assembly based its resolution 652 (VII) upon the consideration, *inter alia*, that the unification of the two parts of Togoland is the manifest aspiration of the majority of the population of the two Trust Territories,

Considering that the best means of achieving a form of unification acceptable to all groups of the population is through direct and continuous interchange of opinions among the representatives of those groups, and that such interchange of opinions could be realized in a re-constituted Joint Council for Togoland Affairs with ample powers to examine all aspects of the problem of unification of both Territories and formulate pertinent recommendations,

Having heard the declarations of the representatives of the All-Ewe Conference, of the Joint Togoland Congress and of the Parti togolais du progrès,

Having heard also the declarations of the representatives of the Administering Authorities concerned,

1. *Regrets* that the Joint Council for Togoland Affairs has not yet been re-established;

2. *Reaffirms* the principles and aims of its resolutions 555 (VI) and 652 (VII) approved on 18 January and 20 December 1952 respectively;

3. *Recommends* that, in order to ensure that the Joint Council will faithfully reflect the wishes of all sections of the population of the two Trust Territories, its members should be directly elected by universal adult suffrage and secret ballot;

4. *Recommends* that the Administering Authorities establish, in consultation with the representatives of the

different political parties, the rules concerning the structure which the Joint Council for Togoland Affairs should assume;

5. *Recommends* that the Administering Authorities assist the representatives of the different political parties to explain freely their views on the problem of unification throughout Togoland;

6. *Recommends* that the Administering Authorities disseminate throughout the two Trust Territories the complete texts of the pertinent resolutions of the General Assembly and the Trusteeship Council in the main vernacular languages as well as in French or English;

7. *Recommends* to the Administering Authorities the re-establishment of the Joint Council with the power to consider and make recommendations on the question of unification, as well as on all political, economic, social and educational matters affecting the two Trust Territories, and to serve as a means of ascertaining the opinions of the inhabitants of the Territories concerning any proposed changes in the terms of the Trusteeship Agreement for either of the Territories;

8. *Re-emphasizes* its recommendation that, through the Joint Council and in other ways, the Administering Authorities adopt measures to promote common policies on political, economic and social matters of mutual concern to the two Trust Territories, and expresses the opinion that the implementation of this recommendation requires that the Administering Authorities accord to each Territory simultaneously a large measure of progress towards the objectives of Article 76 of the Charter and harmonize in all major respects the political, economic, social and educational policies and systems applying in the two Trust Territories;

9. *Invites* the Trusteeship Council to submit to the General Assembly at its ninth session a special report concerning the steps which have been taken towards the implementation of this resolution;

10. *Expresses the hope* that the different political parties of both Territories will co-operate to achieve a formula acceptable to all which will facilitate the unification of the two Trust Territories.

DOCUMENT A/C.4/L.309⁸**Brazil, Cuba, India, Indonesia, Philippines and Syria: draft resolution**

[Original text: English]
[19 November 1953]

The General Assembly,

Considering that there is an urgent need to develop fully in the two parts of Togoland a system of universal suffrage and that it is consequently essential to establish effective facilities for electoral registration, with a view to the formation of an electoral body truly representative of the population of each Territory as a whole,

Noting paragraph 4 (b) of the text of the announcement made by the two Administering Authorities on 12 June 1953 concerning the re-establishment of the Joint Council for Togoland Affairs,

⁸The text of the revised draft resolution submitted by the same delegations (A/C.4/L.309/Rev.1) is identical with this text except that the word "immediately", in paragraph 1 of the operative part, does not appear in the revised text.

Noting further the observations made on this matter by the petitioners heard by the Fourth Committee of the General Assembly, as well as the statements made by the representatives of the Administering Authorities,

1. *Urgently invites* the Administering Authorities immediately to revise the system of electoral qualifications in force in the Territory and put into effect a method of electoral registration based on personal identification which shall permit all adult persons to qualify for the right to vote and shall ensure that electoral consultations be carried out in accordance with the democratic principles of universal, direct and secret suffrage so as to reflect the opinion of the population as a whole;

2. *Recommends* that the political parties in the two Territories collaborate closely with the respective Administering Authorities with a view to carrying out the identification of the adult persons for electoral purposes.

DOCUMENT A/C.4/L.310

Brazil, India, Indonesia, Liberia, Philippines and Syria: draft resolution

[Original text: English]
[20 November 1953]

The General Assembly,

Noting that Togoland under British administration is administered as an integral part of the Gold Coast, whose government has published a series of proposals for constitutional changes designed to effect a further transfer of executive and legislative powers from the Administering Authority to the Gold Coast Government and to serve as an interim measure leading towards full self-government for the Gold Coast within the British Commonwealth of Nations,

Noting that in the course of these proposals the Government of the Gold Coast expressed confidence that "the United Nations Organization will not fail to give satisfaction to the frequently reiterated and unanimous demand of the people of the Northern Section for their area to become part of the Northern Territories of the Gold Coast" and stated further that "there is a growing opinion in Southern Togoland in favour of integration with the Gold Coast",

Noting also that, in anticipation of further constitutional changes in the Gold Coast, the 1952 United Nations Visiting Mission, in its report on Togoland under British administration (T/1040), raised with some urgency the question of the compatibility of the provisions of the Trusteeship Agreement with any further appreciable transfer of executive and legislative authority to the Government of the Gold Coast, and

expressed the opinion that the prospect of a further constitutional advance in the Gold Coast may require the position of the Trust Territory to be reviewed with particular care within a relatively short period of time,

Recalling further that the Visiting Missions of 1949 and 1952 and the Trusteeship Council at its eleventh session have recognized that the question of the future constitutional association of Togoland with the Gold Coast depends to a large extent upon the settlement of the unification problem,

1. *Expresses the opinion* that further changes in the Constitution of the Gold Coast, with which Togoland under British administration is administered as an integral part, may, to the extent that they provide for an increased measure of self-government, necessitate revision of the existing Trusteeship Agreement in respect of the Trust Territory, in so far as concerns the existing administrative union;

2. *Considers* that, in view of the manifest aspiration of the majority of the population of both of the Trust Territories of Togoland for the unification of those Territories, any change in the Trusteeship Agreement for Togoland under British administration will necessarily affect the interests of the inhabitants of Togoland under French administration;

3. *Considers further* that any revision of the Trusteeship Agreement for Togoland under British administra-

tion with a view to the integration or annexation of the Trust Territory, or any part of it, with or to the Gold Coast would be contrary to the principles and purposes of the International Trusteeship System;

4. *Requests* the Trusteeship Council at its thirteenth session to re-examine in all its aspects the problem of achieving in the two Trust Territories the basic objectives of the International Trusteeship System as set forth in Article 76 of the Charter and, in particular, the progressive development of the inhabitants towards self-government or independence as may be appropriate

to the particular circumstances of the Territories and their peoples and their freely expressed wishes, having particular regard to the special circumstances created by the constitutional and political situation in the Gold Coast as it affects both Togoland under British administration and Togoland under French administration;

5. *Requests* the Trusteeship Council to submit to the General Assembly at its ninth session a special report on this problem.

DOCUMENT A/2605

Report of the Fourth Committee

[Original text: English]
[5 December 1953]

1. At its 435th plenary meeting, on 17 September 1953, the General Assembly referred to the Fourth Committee item 31 of its agenda: "The Ewe and Togoland unification problem: special report of the Trusteeship Council" (A/2424).

2. The Committee received requests from several organizations and political parties that their representatives should be permitted to make oral statements to the Committee on the question under consideration. At its 318th meeting, the Committee decided to grant the request of the All-Ewe Conference (A/C.4/232) and, at its 319th meeting, decided by 41 votes to one, with 11 abstentions, to grant that of the Joint Togoland Congress (A/C.4/235). The request of the Parti togolais du progrès (A/C.4/242) was granted by the Committee at its 343rd meeting. In the case of the Buem-Krachi District Council, the request for a hearing was received by the Secretary-General on 14 November 1953, when the Committee was nearing the end of its consideration of the item; the Committee therefore decided, at its 368th meeting, to inform the petitioners that their request had been received too late for consideration at the present session.

3. The Committee considered the item at its 365th to 377th meetings.

4. At the 365th meeting, opening statements were made by the representatives of France and the United Kingdom as the Administering Authorities for the two Togolands. The Committee then heard statements by Mr. S. G. Antor and Mr. A. K. Odame, representatives of the Joint Togoland Congress.

5. At the 366th meeting, a statement was made by Mr. Sylvanus Olympio, representative of the All-Ewe Conference, and questions were put to him and to Mr. Antor by members of the Committee.

6. Mr. F. Brenner, representative of the Parti togolais du progrès, Dr. R. Armattoo, representative of the Joint Togoland Congress, and Mr. Olympio made statements at the 367th meeting and they and Mr. Antor and Mr. Odame answered questions put to them by members of the Committee during the same meeting and at the 368th, 369th and 370th meetings.

7. At the 370th meeting, the Committee decided that the representatives should be permitted to take part in the proceedings throughout the consideration of the item. At the same meeting, the Committee began a general debate on the item which continued until the 373rd meeting. Statements were made by the representatives of France and the United Kingdom at the 370th and 371st meetings respectively.

8. Three draft resolutions and a number of amendments thereto were submitted to the Committee concerning (a) the re-establishment of the Joint Council for Togoland Affairs; (b) the introduction of universal suffrage in the two Trust Territories; and (c) the relationship of the two Trust Territories to the constitutional development in the Gold Coast.

9. These draft resolutions and the amendments were considered from the 373rd to the 376th meetings.

10. The first draft resolution (A/C.4/L.308) was submitted at the 372nd meeting by Argentina, Egypt, Lebanon, Liberia, Pakistan, Philippines and Venezuela. According to this draft resolution, the General Assembly would (1) regret that the Joint Council for Togoland Affairs had not yet been re-established; (2) reaffirm the principles and aims of its resolutions 555 (VI) and 652 (VII) approved on 18 January and 20 December 1952 respectively; (3) recommend that, in order to ensure that the Joint Council would faithfully reflect the wishes of all sections of the population of the two Trust Territories, its members should be directly elected by universal adult suffrage and secret ballot; (4) recommend that the Administering Authorities should establish, in consultation with the representatives of the different political parties, the rules concerning the structure which the Joint Council for Togoland Affairs should assume; (5) recommend that the Administering Authorities should assist the representatives of the different political parties to explain freely their views on the problem of unification throughout Togoland; (6) recommend that the Administering Authorities should disseminate throughout the two Trust Territories the complete texts of the pertinent resolutions of the General Assembly and the Trustee-

ship Council in the main vernacular languages as well as in French and English; (7) recommend to the Administering Authorities the re-establishment of the Joint Council with the power to consider and make recommendations on the question of unification, as well as on all political, economic, social and educational matters affecting the two Trust Territories, and to serve as a means of ascertaining the opinions of the inhabitants of the Territories concerning any proposed changes in the terms of the Trusteeship Agreement for either of the Territories; (8) re-emphasize its recommendation that, through the Joint Council and in other ways, the Administering Authorities should adopt measures to promote common policies on political, economic and social matters of mutual concern to the two Trust Territories, and express the opinion that the implementation of this recommendation required that the Administering Authorities should accord to each Territory simultaneously a large measure of progress towards the objectives of Article 76 of the Charter and harmonize in all major respects the political, economic, social and educational policies and systems applying in the two Trust Territories; (9) invite the Trusteeship Council to submit to the General Assembly at its ninth session a special report concerning the steps taken towards the implementation of this resolution; (10) express the hope that the different political parties of both Territories would co-operate to achieve a formula acceptable to all which would facilitate the unification of the two Trust Territories.

11. At the 375th meeting the representative of the Philippines, on behalf of the sponsors of the draft resolution, indicated that in operative paragraph 5, in the English and French texts, the words "throughout Togoland" should be transposed to follow the words "to explain freely".

12. At the 374th meeting, Iraq submitted the following amendment (A/C.4/L.311) to the draft resolution:

"1. Insert the following paragraph after operative paragraph 5:

"6. Urges the Administering Authority of Togoland under French administration to take all necessary steps to ensure full freedom of political activity in the Territory consistent, in particular, with the right of the inhabitants to the free expression of their aspirations for self-government or independence."

"2. Renumber the other paragraphs accordingly."

This amendment, however, was withdrawn by Iraq at the 376th meeting in favour of a second amendment (A/C.4/L.314) by Egypt and Iraq, to insert at the end of operative paragraph 5 the following words:

"and, to this effect, that they take all necessary measures to ensure freedom of speech, movement and assembly in all parts of the territories".

13. At the 375th meeting, New Zealand submitted an amendment (A/C.4/L.313) to delete in operative paragraph 10 the words "which will facilitate" and replace them by the words "with respect to".

14. The voting on the draft resolution (A/C.4/L.308) and the amendments thereto, which took place at the 376th meeting of the Committee, was as follows:

Operative paragraph 4 was adopted by 47 votes to none, with 5 abstentions.

The amendment submitted jointly by Egypt and Iraq to operative paragraph 5 was adopted by 52 votes to none.

Operative paragraph 5, as amended, and operative paragraph 6 were adopted by 49 votes to none, with 1 abstention.

The first part of operative paragraph 7, up to and including the words "the two Trust Territories", was adopted by 52 votes to none.

The second part of operative paragraph 7 was adopted by 45 votes to none, with 7 abstentions.

Operative paragraph 7 as a whole was adopted by 46 votes to none, with 6 abstentions.

The New Zealand amendment to operative paragraph 10 was rejected by 22 votes to 19, with 9 abstentions.

The draft resolution as a whole, as amended, was adopted by 44 votes to none, with 8 abstentions.

15. The second draft resolution (A/C.4/L.309) was submitted by Brazil, Cuba, India, Indonesia, Philippines and Syria at the 373rd meeting. In this draft resolution the General Assembly would: (1) urgently invite the Administering Authorities immediately to revise the system of electoral qualifications in force in the Territory and put into effect a method of electoral registration based on personal identification which should permit all adult persons to qualify for the right to vote and should ensure that electoral consultations be carried out in accordance with the democratic opinion of the population as a whole; (2) recommend that the political parties in the two Territories should collaborate closely with the respective Administering Authorities with a view to carrying out the identification of the adult persons for electoral purposes.

16. At the 375th meeting, Denmark submitted an amendment (A/C.4/L.315) to the draft resolution to delete the word "immediately" in operative paragraph 1 and substitute the words "as rapidly as possible". The sponsors of the draft resolution agreed to delete the word "immediately" and, at the 376th meeting, submitted a revised text of their draft resolution (A/C.4/L.309/Rev.1), whereupon Denmark withdrew its amendment.

17. Voting on the draft resolution (A/C.4/L.309/Rev.1), which took place at the 376th meeting, was as follows:

The second paragraph of the preamble was adopted by 48 votes to none, with 5 abstentions.

The draft resolution as a whole was adopted by 48 votes to none, with 3 abstentions.

18. The third draft resolution (A/C.4/L.310) was submitted by Brazil, India, Indonesia, Liberia, Philippines and Syria at the 373rd meeting. In this draft resolution the General Assembly would: (1) express the opinion that further changes in the Constitution of the Gold Coast, with which Togoland under British administration was administered as an integral part, might, to the extent that they provided for an increased measure of self-government, necessitate revision of the existing Trusteeship Agreement in respect of the Trust Territory in so far as concerned the existing administrative union; (2) consider that, in view of the manifest aspiration of the majority of the population of both the Trust Territories of Togoland for the unification of those Territories, any change in the Trusteeship Agreement for Togoland under British administration would necessarily affect the interests of the inhabitants of Togoland under French administration; (3) consider further that any revision of the Trusteeship Agreement for Togoland under British administration with a view to the integration or annexation of the Trust Territory,

or any part of it, with or to the Gold Coast would be contrary to the principles and purposes of the International Trusteeship System; (4) request the Trusteeship Council at its thirteenth session to re-examine in all its aspects the problem of achieving in the two Trust Territories the basic objectives of the International Trusteeship System as set forth in Article 76 of the Charter and, in particular, the progressive development of the inhabitants towards self-government or independence as might be appropriate to the particular circumstances of the Territories and their peoples and their freely expressed wishes, having particular regard to the special circumstances created by the constitutional and political situation in the Gold Coast as it affected both Togoland under British administration and Togoland under French administration; (5) request the Trusteeship Council to submit to the General Assembly at its ninth session a special report on this problem.

19. At the 375th meeting, the sponsors of the draft resolution revised operative paragraph 3 (A/C.4/L.310/Rev.1) to read:

“Considers further that the integration of Togoland under British administration, or any part of it, with the Gold Coast before both Territories have attained self-government or independence, would be contrary to the principles and purposes of the International Trusteeship System”.

20. At the 375th meeting, Chile and China submitted two amendments to the draft resolution. The first amendment (A/C.4/L.312) was to replace operative paragraph 1 by the following:

“Expresses the opinion that further changes in the Constitution of the Gold Coast, with which Togoland under British administration is administered as an integral part, may, to the extent that they provide for an increased measure of self-government, convert the existing administrative union into a political union and affect the status of the Trust Territory as a separate international entity in such a way as to necessitate revision of the existing Trusteeship Agreement”.

The second amendment was to delete operative paragraph 3, but the sponsors withdrew this amendment during the meeting. The amendment was then reintroduced by Colombia (A/C.4/L.316).

21. At the 376th meeting, however, Colombia withdrew the amendment in favour of an amendment (A/C.4/L.317) by the United Kingdom to replace operative paragraph 3 by the following:

“Considers further that the integration of Togoland under British administration, or any part of it, with the Gold Coast can only be accepted as a satisfactory termination of the Trusteeship Agreement if the prior agreement of the General Assembly is obtained by the Administering Authority in the light of the principles and purposes of the International Trusteeship System.”

22. The draft resolution (A/C.4/L.310/Rev.1) and the amendments thereto were voted upon at the 376th meeting as follows:

The first paragraph of the preamble was adopted by 39 votes to 5, with 9 abstentions.

The second paragraph of the preamble was adopted by 41 votes to 5, with 6 abstentions.

The third paragraph of the preamble was adopted by 39 votes to 5, with 7 abstentions.

The fourth paragraph of the preamble was adopted by 40 votes to 5, with 8 abstentions.

The joint amendment proposed by Chile and China to operative paragraph 1 was rejected by 29 votes to 19, with one abstention.

Operative paragraph 1 was adopted by 31 votes to 7, with 14 abstentions.

Operative paragraph 2 was adopted by 32 votes to one, with 21 abstentions.

The United Kingdom amendment to paragraph 3 was rejected by a roll-call vote of 30 to 15, with 8 abstentions. The voting was as follows:

In favour: Australia, Belgium, Canada, Colombia, Denmark, France, Netherlands, New Zealand, Norway, Panama, Peru, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Argentina, Brazil, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Abstentions: Chile, China, Dominican Republic, Greece, Iraq, Israel, Nicaragua, Thailand.

Operative paragraph 3 was adopted by 32 votes to 13, with 7 abstentions.

The first part of operative paragraph 4, up to and including the words “freely expressed wishes”, was adopted by 47 votes to none, with 4 abstentions.

The second part of operative paragraph 4 was adopted by 38 votes to none, with 15 abstentions.

Operative paragraph 4 as a whole was adopted by 41 votes to none, with 11 abstentions.

Operative paragraph 5 was adopted by 49 votes to one, with 4 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 33 votes to 8, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Brazil, Burma, China, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Panama, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, France, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstentions: Byelorussian Soviet Socialist Republic, Chile, Colombia, Czechoslovakia, Denmark, Netherlands, Norway, Peru, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

23. At its 392nd meeting on 4 December 1953, the Committee, during its consideration of its draft report to the General Assembly, decided, on the suggestion of the Rapporteur, to amend the title of the draft resolutions to read “The Togoland unification problem”.

Recommendations of the Fourth Committee

24. The Fourth Committee accordingly recommends the adoption by the General Assembly of the following draft resolutions:

THE TOGOLAND UNIFICATION PROBLEM

A

The General Assembly,

Having examined the special report of the Trusteeship Council on the Ewe and Togoland unification problem (A/2424),

Taking into account the conclusion contained in the special report of the 1952 United Nations Visiting Mission (T/1034) that "the people of the Trust Territories desire in principle the unification of the two Trust Territories",

Recalling that the General Assembly based its resolution 652 (VII) of 20 December 1952 upon the consideration, *inter alia*, that the unification of the two parts of Togoland is the manifest aspiration of the majority of the population of the two Trust Territories,

Considering that the best means of achieving a form of unification acceptable to all groups of the population is through direct and continuous interchange of opinions among the representatives of those groups, and that such interchange of opinions could be realized in a reconstituted Joint Council for Togoland Affairs with ample powers to examine all aspects of the problem of unification of both Territories and to formulate pertinent recommendations,

Having heard the declarations of the representatives of the All-Ewe Conference, of the Joint Togoland Congress and of the Parti togolais du progrès,

Having heard also the declarations of the representatives of the Administering Authorities concerned,

1. *Regrets* that the Joint Council for Togoland Affairs has not yet been re-established;

2. *Reaffirms* the principles and aims of its resolutions 555 (VI) and 652 (VII) approved on 18 January and 20 December 1952 respectively;

3. *Recommends* that, in order to ensure that the Joint Council will faithfully reflect the wishes of all sections of the population of the two Trust Territories, its members should be directly elected by universal adult suffrage and secret ballot;

4. *Recommends* that the Administering Authorities establish, in consultation with the representatives of the different political parties, the rules concerning the structure which the Joint Council for Togoland Affairs should assume;

5. *Recommends* that the Administering Authorities assist the representatives of the different political parties to explain freely throughout Togoland their views on the problem of unification and, to this effect, that they take all necessary measures to ensure freedom of speech, movement and assembly in all parts of the Territories;

6. *Recommends* that the Administering Authorities disseminate throughout the two Trust Territories the complete texts of the pertinent resolutions of the General Assembly and of the Trusteeship Council in the main vernacular languages as well as in French or in English;

7. *Recommends* to the Administering Authorities the re-establishment of the Joint Council with the power to consider and make recommendations on the question of unification, as well as on all political, economic, social and educational matters affecting the two Trust Territories, and to serve as a means of ascertaining the opinions of the inhabitants of the Territories concerning

any proposed changes in the terms of the Trusteeship Agreement for either of the Territories;

8. *Re-emphasizes* its recommendation that, through the Joint Council and in other ways, the Administering Authorities adopt measures to promote common policies on political, economic and social matters of mutual concern to the two Trust Territories, and expresses the opinion that the implementation of this recommendation requires that the Administering Authorities accord to each Territory simultaneously a large measure of progress towards the objectives of Article 76 of the Charter and harmonize in all major respects the political, economic, social and educational policies and systems applying in the two Trust Territories;

9. *Invites* the Trusteeship Council to submit to the General Assembly at its ninth session a special report concerning the steps which have been taken towards the implementation of the present resolution;

10. *Expresses the hope* that the different political parties of both Territories will co-operate to achieve a formula acceptable to all which will facilitate the unification of the two Trust Territories.

B

The General Assembly,

Considering that there is an urgent need to develop fully in the two parts of Togoland a system of universal suffrage and that it is consequently essential to establish effective facilities for electoral registration, with a view to the formation of an electoral body truly representative of the population of each Territory as a whole,

Noting paragraph 4 (b) of the text of the announcement made by the two Administering Authorities on 12 June 1953 concerning the re-establishment of the Joint Council for Togoland Affairs,

Noting further the observations made on this matter by the petitioners heard by the Fourth Committee of the General Assembly, as well as the statements made by the representatives of the Administering Authorities,

1. *Urgently invites* the Administering Authorities to revise the system of electoral qualifications in force in the Territories and to put into effect a method of electoral registration based on personal identification which shall permit all adult persons to qualify for the right to vote and shall ensure that electoral consultations be carried out in accordance with the democratic principles of universal, direct and secret suffrage so as to reflect the opinion of the population as a whole;

2. *Recommends* that the political parties in the two Territories collaborate closely with the respective Administering Authorities with a view to carrying out the identification of the adult persons for electoral purposes.

C

The General Assembly,

Noting that Togoland under British administration is administered as an integral part of the Gold Coast, the Government of which has published a series of proposals for constitutional changes designed to effect a further transfer of executive and legislative powers from the Administering Authority to the Gold Coast Government and to serve as an interim measure leading towards full self-government for the Gold Coast within the British Commonwealth of Nations,

Noting that in the course of these proposals the Government of the Gold Coast expressed confidence that "the United Nations Organization will not fail to give satisfaction to the frequently reiterated and unanimous demand of the people of the Northern Section for their area to become part of the Northern Territories of the Gold Coast" and stated further that "there is a growing opinion in Southern Togoland in favour of integration with the Gold Coast",

Noting also that, in anticipation of further constitutional changes in the Gold Coast, the 1952 United Nations Visiting Mission, in its report on Togoland under British administration (T/1040), raised with some urgency the question of the compatibility of the provisions of the Trusteeship Agreement with any further appreciable transfer of executive and legislative authority to the Government of the Gold Coast, and expressed the opinion that the prospect of a further constitutional advance in the Gold Coast may require the position of the Trust Territory to be reviewed with particular care within a relatively short period of time,

Recalling further that the Visiting Missions of 1949 and 1952 and the Trusteeship Council at its eleventh session have recognized that the question of the future constitutional association of Togoland with the Gold Coast depends to a large extent upon the settlement of the unification problem,

1. *Expresses the opinion* that further changes in the Constitution of the Gold Coast, with which Togoland under British administration is administered as an integral part, may, to the extent that they provide for an increased measure of self-government, necessitate re-

vision of the existing Trusteeship Agreement in respect of the Trust Territory in so far as concerns the existing administrative union;

2. *Considers* that, in view of the manifest aspiration of the majority of the population of both the Trust Territories of Togoland for the unification of those Territories, any change in the Trusteeship Agreement for Togoland under British administration will necessarily affect the interests of the inhabitants of Togoland under French administration;

3. *Considers further* that the integration of Togoland under British administration, or any part of it, with the Gold Coast before both Territories have attained self-government or independence, would be contrary to the principles and purposes of the International Trusteeship System;

4. *Requests* the Trusteeship Council, at its thirteenth session, to re-examine in all aspects the problem of achieving in the two Trust Territories the basic objectives of the International Trusteeship System as set forth in Article 76 of the Charter and, in particular, the progressive development of the inhabitants towards self-government or independence as may be appropriate to the particular circumstances of the Territories and their peoples and their freely expressed wishes, having particular regard to the special circumstances created by the constitutional and political situation in the Gold Coast as it affects both Togoland under British administration and Togoland under French administration;

5. *Requests* the Trusteeship Council to submit to the General Assembly at its ninth session a special report on this problem.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 469th plenary meeting, on 8 December 1953, the General Assembly adopted draft resolutions A and B submitted by the Fourth Committee (p. 11 of this fascicule). For the final texts, see resolutions 750 A (VIII) and 750 B (VIII) respectively.

At the same meeting, the General Assembly adopted draft resolution C submitted by the Fourth Committee (pp. 11 and 12 of this fascicule), with the exception of its paragraph 3, which was rejected. For the final text, see resolution 750 C (VIII).

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/1836 and Corr.1	Report of the Special Committee on Information transmitted under Article 73 e of the Charter		<i>Official Records of the General Assembly, Sixth Session, Supplement No. 14</i>
A/2151	Special report of the Trusteeship Council on administrative unions affecting Trust Territories and on the status of the Cameroons and Togoland under French administration arising out of their membership in the French Union		<i>Ibid., Seventh Session, Supplement No. 12</i>
A/2217	Report of the Committee on Administrative Unions		<i>Ibid., Annexes, agenda item 31</i>
A/2335	Report of the Fourth Committee		<i>Ibid., agenda item 32</i>
A/2424	Special report of the Trusteeship Council.	1	
A/2427	Report of the Trusteeship Council covering the period from 4 December 1952 to 21 July 1953		<i>Ibid., Eighth Session, Supplement No. 4</i>
A/2465	Report of the Committee on Information from Non-Self-Governing Territories		<i>Ibid., Supplement No. 15</i>
A/2605	Report of the Fourth Committee.	8	
A/C.4/222	Statements by Mr. Sylvanus Olympio, representative of the All-Ewe Conference, and Mr. Senyo G. Antor, representative of the Joint Togoland Congress, to the Fourth Committee at its 300th meeting, on 10 December 1952		Mimeographed document only
A/C.4/232	Telegram dated 18 September 1953 from the Acting General Secretary of the All-Ewe Conference		<i>Ditto</i>
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A/C.4/242	Telegram dated 22 October 1953 from Mr. Frédéric Brenner to the Secretary-General		Mimeographed document only
A/C.4/247	Statement by Mr. S. G. Antor, representative of the Joint Togoland Congress, to the Fourth Committee at its 365th meeting, on 13 November 1953		<i>Ditto</i>
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GENERAL ASSEMBLY

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Agenda item 32

ANNEXES

EIGHTH SESSION

Agenda item 32: 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) Information on educational conditions;
- (b) Information on other conditions;
- (c) Transmission of information;
- (d) Participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories: recommendations of the Committee

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DOCUMENT A/C.4/L.283/Rev.1

Egypt, Iraq, Liberia, Pakistan, Saudi Arabia and Syria: revised draft resolution on the employment of international staff from Non-Self-Governing and Trust Territories

[Original text: English]
[21 October 1953]

The General Assembly,

Considering that Article 101 (3) of the Charter of the United Nations regarding the employment of the staff of the United Nations states that, in addition to the necessity of securing the highest standards of efficiency, competence and integrity in employment of secretariat staff, due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible,

Having regard to the objectives set forth in Chapters XI and XII of the Charter in respect of the advancement of the inhabitants of Non-Self-Governing and Trust Territories,

Considering that the services of individuals from Non-Self-Governing and Trust Territories in the Secretariat of the United Nations will contribute to a wider geographical coverage in the recruitment of staff,

1. *Recommends* to the Secretary-General the desirability of substantially increasing the recruitment of suitably qualified inhabitants of the Non-Self-Governing and Trust Territories in the Secretariat of the United Nations as soon as possible;

2. *Invites* the Secretary-General to draw the attention of the specialized agencies to this resolution with a view to a similar policy being followed as far as possible in the Secretariats of those agencies.

DOCUMENT A/C.4/L.284

Poland: amendments to draft resolutions A and B submitted by the Committee on Information from Non-Self-Governing Territories (A/2465, part one, annex II)

[Original text: Russian]
[21 October 1953]

1. In draft resolution A, delete the second paragraph of the preamble and paragraph 1 of the operative part, and insert the following as paragraph 1 of the operative part:

“Notes the further report prepared in 1953 by the Committee on Information from Non-Self-Governing Territories on educational conditions in these Territories as a supplement to the report approved in 1950;”

2. In draft resolution B:

(a) Delete the fifth paragraph of the preamble;

(b) In the operative part of the draft resolution delete the words “without prejudice to the principle stated in the fifth paragraph of the preamble”.

DOCUMENT A/2556 and Corr.1
Report of the Fourth Committee

[Original text: English]
[17 November 1953]

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1. At its 435th plenary meeting on 17 September 1953, the General Assembly referred to the Fourth Committee the following items on its agenda:

“32. Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General¹ and of the Committee on Information from Non-Self-Governing Territories:²

“(a) Information on educational conditions;³

“(b) Information on other conditions;⁴

“(c) Transmission of information;⁵

“(d) Participation of Non-Self-Governing Territories in

¹ A/2407, A/2408, A/2409, A/2410, A/2410/Add.1, A/2411, A/2411/Add.1, A/2413, A/2413/Add.1 to 8, A/2414, A/2414/Add.1 and 2.

² Document A/2465.

³ *Ibid.*, part one, section VI, and part two.

⁴ *Ibid.*, part one, sections VIII and IX.

⁵ *Ibid.*, part one, section XII.

the work of the Committee on Information from Non-Self-Governing Territories: recommendations of the Committee.⁶

“33. Factors which should 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: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories).⁷

“34. Cessation of the transmission of information under Article 73 e of the Charter: reports of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) and of the Committee on Information from Non-Self-Governing Territories:

“(a) Netherlands Antilles and Surinam;⁷

“(b) Puerto Rico.”⁸

⁶ *Ibid.*, part one, section XIII.

⁷ Document A/2428.

⁸ Document A/2465, part one, section VII.

ITEM 33. FACTORS WHICH SHOULD 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

2. The Fourth Committee decided to deal first with item 33, and discussed it from its 322nd to 331st meetings. The Committee had before it the report of the 1953 *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2428), containing a list of factors indicative of the attainment of a full measure of self-government by Non-Self-Governing Territories.

3. At the 325th meeting, Brazil submitted a draft resolution (A/C.4/L.272), according to which the General Assembly would: (1) take note of the conclusions of the report of the *Ad Hoc* Committee; (2) approve the list of factors contained in that report; (3) recommend that the annexed list of factors should be taken by the Administering Members and the General Assembly as a guide and applied in the light of all relevant circumstances pertinent to each particular situation, in determining whether any Territory, due to changes in its constitutional status, is or is no longer within the scope of Chapter XI of the Charter, in order that, in view of the documentation provided under resolution 222 (III), a decision might be taken on the continuation or cessation of the transmission of information required by Chapter XI of the Charter; (4) recommend that in the study of each case paramount consideration should be given to the evidence which might indicate that the people concerned had exercised its rights to self-determination; (5) reaffirm that the factors, while serving as a guide in determining whether the obligations as set forth in Article 73 e of the Charter shall exist, should in no way be interpreted as a hindrance to the attainment of a full measure of self-government by a Non-Self-Governing Territory; (6) further reaffirm that, for a Territory to be deemed self-governing in economic, social or educational affairs it was essential that its people should have attained a full measure of self-government as referred to in Chapter XI of the Charter; (7) further instruct the Committee on Information from Non-Self-Governing Territories to study any documentation transmitted hereafter under resolution 222 (III) adopted on 3 November 1948, in the light of the list of factors approved by the present resolution, among other relevant considerations which might arise from each concrete case of cessation of information, when the Committee discharged the responsibilities entrusted to it by paragraph 1 of resolution 334 (IV) adopted on 2 December 1949, and paragraph 2 of resolution 448 (V) adopted on 12 December 1950; and (8) recommend that the Committee on Information from Non-Self-Governing Territories should take the initiative of proposing to the General Assembly revisions and interpretations of, or additions to, the list of factors whenever, due to difficulties of application or the arising of new circumstances, the Committee found it so advisable.

4. Amendments to this draft resolution were submitted jointly by Bolivia, Egypt, Guatemala, Indonesia, Iraq, Mexico, Saudi Arabia, Syria, Venezuela, Yemen and Yugoslavia (A/C.4/L.273). The amendments were as follows:

(1) After the second paragraph of the preamble insert as a new paragraph the following text:

"Having regard to the competence of the General Assembly to consider the principles that should guide the United Nations and the Member States in the implementation of obligations arising from Chapter XI of the Charter and to make recommendations in connexion with them".

(2) Delete the fourth paragraph of the preamble of the draft resolution.

(3) Replace paragraph 2 of the operative part by the following text:

"Approves the list of factors which is attached to this resolution as a part thereof".

(4) In paragraph 3 of the operative part, the first sentence should read as follows:

"Recommends that the annexed list of factors should be used by the General Assembly and the Administering Members as a guide...".

From the same paragraph delete the words:

"and applied in the light of all relevant circumstances pertinent to each particular situation...".

In the same paragraph, between the words "may be taken" and "on the continuation" insert the words "by the General Assembly".

(5) Replace paragraph 4 of the operative part by the following text:

"Reasserts that each concrete case should be considered and decided upon in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples".

(6) After paragraph 4, insert as paragraphs 5 and 6 the following texts:

"5. Considers that the validity of any form of association between a Non-Self-Governing Territory and a metropolitan or any other country essentially depends on the freely expressed will of the people at the time of the taking of this decision.

"6. Considers that the manner in which territories referred to in Chapter XI of the Charter can become fully self-governing is primarily through the attainment of independence, although it is recognized that self-government can also be achieved by association with another State or group of States if this is done freely and on the basis of absolute equality".

(7) Paragraph 5 of the operative part should become paragraph 7 with the replacement of the words "in Article 73 e" by the words "in Chapter XI".

(8) At the end of paragraph 6 of the draft resolution, which should now become paragraph 8, delete the words "as referred to in Chapter XI of the Charter".

(9) In paragraph 7 of the draft resolution, which should now become paragraph 9, delete the word "further", and delete the rest of the paragraph following the words "of cessation of information".

(10) The last paragraph of the draft resolution should be replaced by the following text:

"10. Recommends that the Committee on Information from Non-Self-Governing Territories take the initiative of proposing modifications at any time to improve the list of factors, as may seem necessary in the light of circumstances".

5. Amendments (A/C.4/L.274) to the list of factors approved by the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2428) were submitted by the same eleven sponsors of the above amendments. This second series of amendments was as follows:

First part (Factors indicative of the attainment of independence).

Replace factor A.4 by the following: "National defence. Sovereign right to provide for its national defence".

Second part.

(1) Replace the present heading by the following: "Factors indicative of the attainment of other separate systems of self-government".

(2) Change factor A.1 to become factor A.6.

(3) Change factor A.2 to become factor A.1.

(4) The following text should become A.2 :

Freedom of choice. Freedom of choosing on the basis of the right of self-determination of peoples between several possibilities, including independence ”.

(5) The following wording should be given to factor A.3 :

Voluntary limitation of sovereignty. Degree of evidence that the attribute or attributes of sovereignty which are not individually exercised will be collectively exercised by the larger entity thus associated and the freedom of the population of a territory which has associated itself with the metropolitan country to modify at any time this status through the expression of their will by democratic means ”.

(6) As a new factor A.4 insert the following text :

Geographical considerations. Extent to which the relations of the Non-Self-Governing Territory with the capital of the metropolitan government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles ; and extent to which the interests of boundary States may be affected, bearing in mind the general principle of good-neighbourliness referred to in Article 74 of the Charter ”.

(7) As factor A.5 insert the following text :

Ethnic and cultural considerations. Extent to which the populations are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves ”.

(8) As a new factor B.2 insert the following text :

Change of political status. The right of the metropolitan country or the Territory to change the political status of that Territory in the light of the consideration whether that Territory is or is not subject to any claim or litigation on the part of another State ”.

(9) The existing factor B.2 will become B.3.

Third part (Factors indicative of the free association of a territory with the metropolitan or other country as an integral part of that country).

(1) Between the words “territory” and “with” in the heading of this part insert the following words : “on equal basis”.

(2) At the end of the heading add the following : “or in any other form”.

(3) Factor A.1 should become factor A.5.

(4) Factor A.2 should become factor A.1.

(5) As factor A.2 insert the following text :

“The freedom of the population of a Non-Self-Governing Territory which has associated itself with the metropolitan country as an integral part of that country or in any other form to modify this status through the expression of their will by democratic means ”.

(6) Add the following text to the existing factor A.3 :

“The right of the metropolitan country or the Territory to change the political status of that Territory in the light of the consideration whether that Territory is or is not subject to any claim or litigation on the part of another State ”.

(7) Delete in factor A.5, now becoming A.6, the following words : “(a) by virtue of the constitution of the metropolitan country, or (b) ”.

(8) As factor B.2 insert the text of factor C.2 from the second part of the list of factors. Factors B.2 and B.3 to become B.3 and B.4.

(9) As factor C.5 insert the text of factor C.3 from the second part of the list of factors.

6. The Chairman suggested to the Fourth Committee for its consideration that it should vote on the basis of the Brazilian draft resolution and the amendments thereto. Consequently, on reaching operative paragraph 2 of the draft resolution, which proposed to approve the list of factors contained in the report of the *Ad Hoc* Committee, the amendment approving an “annexed list” would be considered and, if adopted, would lead to the immediate consideration of the list of factors and of the amendments thereto.

7. At its 329th meeting, however, following an oral proposal by the representative of Guatemala, the Committee decided, by 26 votes to 22, with 4 abstentions, to vote on the list of factors approved by the *Ad Hoc* Committee on Factors (A/2428) and the amendments thereto submitted by Bolivia, Egypt, Guatemala, Indonesia, Iraq, Mexico, Saudi Arabia, Syria, Venezuela, Yemen and Yugoslavia (A/C.4/L.274) (see paragraph 5 above).

8. The result of the voting was as follows :

First part

(1) The amendment to replace factor A.4 by another text was adopted by 31 votes to 9, with 10 abstentions.

(2) The first part as a whole, as amended, was adopted by 34 votes to 7, with 10 abstentions.

Second part

(1) The amendment to replace the present heading by another text was adopted by 27 votes to 15, with 9 abstentions.

(2) The amendment that factor A.1 should become factor A.6 was adopted by 21 votes to 12, with 16 abstentions.

(3) The amendment to insert a new text as factor A.2 was adopted by 27 votes to 15, with 8 abstentions.

(4) The amendment to replace the present text of factor A.3 by a new text was voted on in two parts. The first part, as far as the words “the larger entity thus associated”, was adopted by 30 votes to 8, with 12 abstentions. The second part was adopted by a roll-call vote of 25 to 18, with 10 abstentions, as follows :

In favour: Afghanistan, Argentina, Bolivia, Chile, Costa Rica, Cuba, Egypt, El Salvador, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, France, Luxembourg, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Brazil, Burma, China, Denmark, Dominican Republic, Ethiopia, Greece, India, Israel, United States of America.

The amendment as a whole was adopted by 25 votes to 18, with 9 abstentions.

(5) The amendment to insert a new factor A.4 was voted upon in two parts. The first part, as far as “land, sea or other natural obstacles”, was adopted by 26 votes to 14, with 11 abstentions. The second part was adopted by 23 votes to 18, with 10 abstentions. The amendment as a whole was adopted by 24 votes to 19, with 10 abstentions.

(6) The amendment to insert a new factor A.5 was adopted by 26 votes to 17, with 8 abstentions.

(7) The amendments to insert a new factor B.2 and to change the existing factor B.2 to become B.3, were voted on together, and were adopted by 23 votes to 18, with 12 abstentions.

(8) The second part as a whole, as amended, was adopted by 24 votes to 18, with 11 abstentions.

Third part

(1) The amendment to insert the words "on equal basis" between the words "territory" and "with" in the heading was adopted by 25 votes to 15, with 13 abstentions.

(2) The amendment to add the words "or in any other form" at the end of the heading was adopted by 26 votes to 14, with 13 abstentions.

(3) The amendments to change factor A.1 to become factor A.5 and factor A.2 to become factor A.1 were voted on together, and were adopted by 23 votes to 9, with 18 abstentions.

(4) The amendment to insert a new text as factor A.2 was adopted by a roll-call vote of 25 to 17, with 10 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Chile, Costa Rica, Cuba, Egypt, El Salvador, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, France, Greece, Luxembourg, Netherlands, New Zealand, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Brazil, Burma, China, Colombia, Dominican Republic, Ethiopia, Israel, Norway, Peru, United States of America.

(5) The amendment to add a new text to the present factor A.3 was adopted by 22 votes to 18, with 11 abstentions. Factor A.3 as a whole, as amended, was adopted by 23 votes to 18, with 8 abstentions.

(6) The amendment to delete in the present factor A.5, which now becomes A.6, the following words "(a) by virtue of the constitution of the metropolitan country, or (b)", was adopted by 28 votes to 13, with 10 abstentions. The factor as a whole, as amended, was adopted by 23 votes to 18, with 9 abstentions.

(7) The amendment to insert as factor B.2 the text of factor C.2 from the second part of the list of factors, the present factors B.2 and B.3 becoming B.3 and B.4 respectively, was adopted by 25 votes to 16, with 9 abstentions.

(8) The amendment to insert as factor C.5 the text of factor C.3 from the second part of the list of factors was adopted by 25 votes to 17, with 8 abstentions.

(9) The third part as a whole, as amended, was adopted by 23 votes to 16, with 11 abstentions.

9. The list of factors as a whole, as amended, was adopted by 25 votes to 18, with 8 abstentions. The list of factors, as adopted, is annexed to draft resolution I attached to the present report.

10. At its 330th meeting, the Committee voted on the draft resolution submitted by Brazil (A/C.4/L.272), paragraph by paragraph, and on the amendments thereto (A/C.4/L.273, A/C.4/L.275, A/C.4/L.277).

11. In a statement made before the vote was taken, the representative of Brazil announced that, in view of the adoption at the 329th meeting of an amended list of factors, his delegation had considered withdrawing its draft resolution. In order, however, not to complicate the work of the Committee, it had been decided to maintain the draft resolution since, if its operative paragraph 2 were adopted, that would have the effect of annulling the amended list of factors. He wished to place on record that Brazil's action was designed to facilitate the work

of the Committee and that his delegation reserved its position in subsequent discussion of this subject in the General Assembly.

12. The result of the voting on the *preamble* of the draft resolution was as follows:

The first and second paragraphs were adopted unanimously.

The amendment to insert a new third paragraph (A/C.4/L.273, point 1) was adopted by a roll-call vote of 37 to 11, with 2 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Cuba, Czechoslovakia, Dominican Republic, Egypt, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

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

Abstaining: Norway, Sweden.

The original third paragraph, which thus becomes the fourth paragraph, was adopted unanimously.

As a result of the vote recorded later on operative paragraph 2, the original fourth paragraph of the preamble was deleted.

13. The result of the voting on the *operative part* of the draft resolution was as follows:

Paragraph 1. This paragraph was adopted unanimously.

Paragraph 2. At the request of the representative of Haiti, the amendment to this paragraph (A/C.4/L.273, point 3) was voted on in two parts.

The first part, reading "Approves the list of factors which is attached to this resolution", was rejected by 24 votes to 20, with 3 abstentions. As a result, the second part, reading "as a part thereof", became meaningless and was not voted upon.

India submitted an amendment (A/C.4/L.277) to replace the words "contained in that report" by the words "as adopted by the Fourth Committee".

The Committee decided, by 25 votes to 19, with 4 abstentions, to vote on this amendment, which was adopted by a roll-call vote of 30 to 18, with 4 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Egypt, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Colombia, Denmark, Dominican Republic, France, Israel, Luxembourg, Netherlands, New Zealand, Norway, Peru, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: China, Greece, Philippines, Thailand.

Paragraph 2, as amended, was adopted by a roll-call vote of 25 to 23, with 4 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Chile, Cuba, Egypt, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Saudi Arabia, Syria, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, Dominican Republic, France, Israel, Luxembourg, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, 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.

Abstaining: China, Greece, Philippines, Thailand.

Paragraph 3. The first part of the amendment to paragraph 3 (A/C.4/L.273, point 4), having been accepted by Brazil, was adopted without dissent except by Poland. The amendment to delete the words "and applied in the light of all relevant circumstances pertinent to each particular situation" was adopted by 26 votes to 18, with 6 abstentions.

The Philippines submitted two amendments (A/C.4/L.275): the first was to insert the words "in appropriate consultations" between the words "as a guide" and "and applied", and the second was to replace the words "a decision may be taken" by the words "agreement may be reached". The first of these two amendments was rejected by 26 votes to 15, with 9 abstentions; the second was rejected by 19 votes to 13, with 4 abstentions.

The amendment (A/C.4/L.273, point 4) to insert the words "by the General Assembly" between the words "may be taken" and "on the continuation" was adopted by 30 votes to 15, with 5 abstentions.

Paragraph 3 as a whole, as amended, was adopted by 25 votes to 23, with 3 abstentions.

Paragraph 4. The amendment to replace paragraph 4 by a new text (A/C.4/L.273, point 5) was adopted by 35 votes to 11, with 4 abstentions.

Paragraph 5. The amendment to insert a new text (A/C.4/L.273, point 6) was adopted by 29 votes to 19, with 4 abstentions.

Paragraph 6. At the request of the representative of Poland, the amendment to insert as paragraph 6 a new text (A/C.4/L.273, point 6) was voted on in two parts. The first part, reading "Considers that the manner in which territories referred to in Chapter XI of the Charter can become fully self-governing is primarily through the attainment of independence", was adopted by a roll-call vote of 35 to 13, with 4 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Dominican Republic, Egypt, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

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

Abstaining: China, Ethiopia, Pakistan, Thailand.

The second part, reading "although it is recognized that self-government can also be achieved by association with another State or group of States if this is done freely and on the basis of absolute equality", was adopted by 28 votes to 7, with 15 abstentions. The paragraph as a whole was adopted by 28 votes to 18, with 3 abstentions.

Paragraph 7. The original paragraph 5, now becoming paragraph 7, as amended by the replacement of the words "in Article 73 e" by the words "in Chapter XI" (A/C.4/L.273, point 7), was adopted without dissent.

Paragraph 8. The original paragraph 6, now becoming paragraph 8, as amended by the deletion of the words "as referred to in Chapter XI of the Charter" (A/C.4/L.273, point 8), was adopted without dissent.

Paragraph 9. In the original paragraph 7, now becoming paragraph 9, the amendment to delete the word "further" (A/C.4/L.273, point 9) was adopted by 23 votes to 2, with 21 abstentions. The amendment to delete the rest of the paragraph following the words "of cessation of information" (A/C.4/L.273, point 9) was adopted by 23 votes to 3, with 13 abstentions. The paragraph as a whole, as amended, was adopted by 28 votes to 21, with 2 abstentions.

An amendment (A/C.4/L.276) submitted by the United States of America, to insert between the original paragraphs 7 and 8 a new paragraph, reading: "Requests the Committee on Information from Non-Self-Governing Territories to study the views expressed by the Members of the General Assembly at its eighth session as recorded in the appropriate summary records in connexion with any consideration by the Committee of a further revision of the list of factors", was withdrawn.

Paragraph 10. The amendment to replace the original paragraph 8 by a new text (A/C.4/L.273, point 10), to become paragraph 10, was adopted by 33 votes to 13, with 4 abstentions.

14. The draft resolution as a whole, as amended, together with the list of factors as a whole, as amended, was adopted by a roll-call vote of 27 to 23, with 2 abstentions. The result of the voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Chile, Cuba, Egypt, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, Dominican Republic, France, Israel, Luxembourg, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, 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.

Abstaining: China, Thailand.

15. The text of the draft resolution, including the list of factors, as adopted, is annexed to the present report as draft resolution I.

ITEM 32. INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

16. The general debate on item 32 as a whole began at the 324th meeting and continued from the 331st to the 339th meetings.

17. During the general debate, statements reserving the position of their governments in regard to sovereignty over the transmission of information on Netherlands New Guinea (Irian) were made by the representatives of Indonesia and the Netherlands. Reservations were made in regard to sovereignty over British Honduras (Belize Territory) by the representatives of Guatemala and the United Kingdom. The representative of Mexico stated that if the Status of British Honduras were changed, the rights of Mexico over a part of that Territory would have to be taken into account. Reservations were also made in regard to sovereignty over the Falkland Islands (Islas Malvinas) by the representatives of Argentina and the United Kingdom, and over Aden by the representatives of Yemen and the United Kingdom.

18. Formal declarations were made by the representatives of Iraq, Lebanon, Saudi Arabia and Syria to the effect that their participation in the discussion on information relating to Morocco and Tunisia was without

prejudice to the recognition by their Governments of the sovereign status of these two Territories, which were bound only by treaty obligations to France.

Educational conditions in Non-Self-Governing Territories

19. The draft resolution on educational conditions in Non-Self-Governing Territories recommended by the Committee on Information from Non-Self-Governing Territories (A/2465, part one, annex II, A) proposed that the General Assembly should: (1) approve the further report of the Committee as a supplement to the report approved in 1950; and (2) invite the Secretary-General to communicate it to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories, to the Economic and Social Council, to the Trusteeship Council and to the specialized agencies concerned for their consideration.

20. At the 339th meeting, Poland submitted an amendment (A/C.4/L.284, point 1) to the draft resolution, to delete the second paragraph of the preamble and paragraph 1 of the operative part, and insert the following text as paragraph 1 of the operative part:

"Notes the further report prepared in 1953 by the Committee on Information from Non-Self-Governing Territories on educational conditions in these Territories as a supplement to the report approved in 1950".

21. Guatemala submitted the following amendment (A/C.4/L.280):

"(1) Insert the following as paragraphs 2, 3 and 4 of the operative part of the draft resolution:

'2. *Declare* that education in the Non-Self-Governing Territories should be designed to familiarize the inhabitants with and train them in the use of the tools of economic, social and political progress, with a view to the attainment of a full measure of self-government;

'3. *Emphasizes* that the objectives of education in the Non-Self-Governing Territories are:

'(a) To develop moral and civic consciousness and responsibility among the peoples, and to enable them to take an increasing share of responsibility in the conduct of their own affairs;

'(b) To raise the standards of living of the people by helping them to improve their economic productivity and standards of health;

'(c) To promote the social progress of the Territories, taking into account the basic cultural values and the aspirations of the peoples concerned;

'(d) To secure the extension of the intellectual development of the peoples so as to provide for them access to all levels of culture.

'4. *Recommends* to the Administering Members that, in order to carry out the said objectives and in general to solve the educational problems of the Non-Self-Governing Territories, they should make the greatest possible use of the facilities of United Nations technical assistance and of the specialized agencies, especially those of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO)'.
 "(2) In paragraph 2 of the draft resolution, which will become paragraph 5, replace the word 'it' by the words: 'the report on education and the present resolution'."

22. At the 340th meeting, Colombia submitted an amendment (A/C.4/L.286) to the amendment submitted by Guatemala (A/C.4/L.280). The text of the Colombian amendment was as follows:

"Insert the following as paragraphs 2 and 3 of the operative part:

'2. *Declares* that the aim of education in the Non-Self-Governing Territories should be to prepare the inhabitants for the use of the tools of economic, social and political progress, and for the attainment of the ability to govern themselves freely;

'3. *Emphasizes* that the objectives of education in the Non-Self-Governing Territories are:

'(a) To promote the moral and civic development of the peoples, and to increase their sense of responsibility for the independent conduct of their affairs;

'(b) To raise standards of living, increase the capacity for economic activity and improve the public health system;

'(c) To promote the social progress of the Territories, taking into account their cultural tradition;

'(d) To prepare the Territories intellectually, so that they may fulfil their historic destinies and secure access to all levels of culture'".

23. An amendment was also submitted by Brazil (A/C.4/L.287 and Corr.1), to delete, in operative paragraph 4 of the amendment submitted by Guatemala (A/C.4/L.280), the words "they should make the greatest possible use of the facilities of United Nations technical assistance and of the specialized agencies" and replace them by the following: "they should seek the technical advice of the United Nations Technical Assistance Administration and make the greatest use of the facilities of the specialized agencies".

24. At the 340th meeting, Egypt submitted an amendment (A/C.4/L.281/Rev.1) to add a new operative paragraph 5 after operative paragraph 4 of the amendment submitted by Guatemala (A/C.4/L.280). This paragraph would read:

"5. *Recommends further* to the Administering Members that they similarly make the greatest possible use of offers that may be made to them by other Member States of the United Nations through the Secretary-General of the United Nations or the specialized agencies concerned or in other appropriate ways for the purpose of facilitating the educational advancement of the Non-Self-Governing Territories, in such ways as by making available fellowships, scholarships and internships to qualified students from these Territories."

25. At the 341st meeting, in order to facilitate the work of the Committee, Colombia withdrew its amendment (A/C.4/L.286) (see paragraph 22 above).

26. At the same meeting, the Committee voted on the draft resolution on educational conditions in Non-Self-Governing Territories recommended by the Committee on Information from Non-Self-Governing Territories (A/2465, part one, annex II, A), and the amendments thereto (A/C.4/L.280, A/C.4/L.281/Rev.1, A/C.4/L.284, A/C.4/L.287 and Corr.1).

27. The result of the voting on the *preamble* of the draft resolution was as follows:

The first paragraph was adopted by 45 votes to none, with 5 abstentions.

The amendment submitted by Poland (A/C.4/L.284), to delete the second paragraph of the preamble and paragraph 1 of the operative part and to insert a new text as paragraph 1 of the operative part, was rejected by 41 votes to 5, with one abstention.

The second paragraph was adopted by 50 votes to none.

28. The result of the voting on the *operative part* of the draft resolution was as follows:

Paragraph 1 was adopted by 45 votes to none, with 5 abstentions.

In regard to the amendment submitted by Guatemala (A/C.4/L.280, point 1) to insert new paragraphs as operative paragraphs 2 and 3, the sponsor accepted a suggestion of the representative of Australia that his proposed paragraph 3 should become paragraph 2, and vice versa, together with slight verbal changes in the text of the proposed paragraph 2, which would become paragraph 3. These changes would replace the words "Declares that education in the Non-Self-Governing Territories should be designed..." by the words "Affirms that in accordance with the above objectives the process of education should be designed...". These two paragraphs, as thus amended, were adopted by 47 votes to none, with one abstention.

In regard to the amendment submitted by Guatemala (A/C.4/L.280, point 1) to insert a new operative paragraph 4, the sponsor accepted the suggestion of various delegations to delete the words "especially those of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organization (ILO)". This paragraph, with the amendment to it proposed by Brazil (A/C.4/L.287 and Corr.1), was adopted by 42 votes to one, with 7 abstentions.

The amendment submitted by Egypt (A/C.4/L.281/Rev.1) to insert a new operative paragraph 5 was adopted by 41 votes to one, with 8 abstentions.

The amendment submitted by Guatemala (A/C.4/L.280, point 2) to replace the word "it" in operative paragraph 2 of the draft resolution, which now becomes paragraph 6, by the words "the report on education and the present resolution", was accepted unanimously. The paragraph, as thus amended, was adopted by 50 votes to one.

29. The draft resolution as a whole, as amended, was adopted by 51 votes to none. The text of the draft resolution, as adopted, is annexed to the present report as draft resolution II.

Association of representatives from Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories

30. The draft resolution on the association of representatives from Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories, recommended by that Committee (A/2465, part one, annex II, B) proposed that the General Assembly should invite the Member States administering Non-Self-Governing Territories, the inhabitants of which had attained a large measure of responsibility for economic, social and educational policies, to attach to their delegations, without prejudice to the principle stated in the fifth paragraph of the preamble, indigenous representatives specially qualified to speak on these matters as they relate to these Territories.

31. At the 339th meeting, Poland submitted amendments (A/C.4/L.284, point 2) to this draft resolution, to (1) delete the fifth paragraph of the preamble; and (2) delete in the operative part of the draft resolution the words "without prejudice to the principle stated in the fifth paragraph of the preamble".

32. At the 340th meeting, Venezuela submitted an amendment (A/C.4/L.285) to the same draft resolution, to add the following text as the last paragraph of the draft resolution:

"Requests the Committee on Information from Non-Self-Governing Territories to continue, in accordance with General Assembly resolution 647 (VII), the study of means of securing a progressive increase in the participation of duly qualified representatives of the peoples of the Non-Self-Governing Territories in its work".

33. At its 341st meeting, the Committee voted on the draft resolution and the amendments thereto (A/C.4/L.284, A/C.4/L.285).

34. The result of the voting on the *preamble* was as follows:

The first, second and third paragraphs were adopted by 44 votes to none, with 10 abstentions.

The fourth paragraph was adopted by 36 votes to 5, with 9 abstentions.

The amendment submitted by Poland (A/C.4/L.284, point 2) to delete the fifth paragraph of the preamble, as well as the words "without prejudice to the principle stated in the fifth paragraph of the preamble" which occur in the operative paragraph, was rejected by 33 votes to 11, with 10 abstentions. The fifth paragraph was adopted by 39 votes to 6, with 5 abstentions.

The sixth paragraph was adopted by 45 votes to none, with 7 abstentions.

The seventh paragraph was adopted by 42 votes to none, with 9 abstentions.

35. The result of the voting on the *operative part* of the draft resolution was as follows:

The operative paragraph was adopted by 36 votes to 8, with 10 abstentions.

The amendment submitted by Venezuela (A/C.4/L.285) to add a new final paragraph, becoming paragraph 2, was adopted by 41 votes to 9, with 4 abstentions.

36. The draft resolution as a whole, as amended, was adopted by 36 votes to 8, with 10 abstentions. The text of the draft resolution, as adopted, is annexed to the present report as draft resolution III.

Representation on the Committee on Information from Non-Self-Governing Territories

37. At the 338th meeting, the United Kingdom of Great Britain and Northern Ireland submitted a draft resolution (A/C.4/L.282) on representation on the Committee on Information from Non-Self-Governing Territories, according to which the General Assembly would: (1) commend the action of those Members which had included specialist advisers in their delegations to the Committee; and (2) express the hope that those Members which had not hitherto found it possible to do so would find it appropriate to associate with their delegations persons specially qualified in the functional fields within the Committee's purview.

38. At its 341st meeting, the Fourth Committee adopted this draft resolution by 47 votes to none, with 7 abstentions. The text of the draft resolution, as adopted, is annexed to the present report as draft resolution IV.

Employment of international staff from Non-Self-Governing Territories

39. At the 340th meeting, Egypt, Iraq, Liberia, Pakistan, Saudi Arabia and Syria submitted jointly a revised draft resolution (A/C.4/L.283/Rev.1) on the employment of international staff from Non-Self-Governing and Trust Territories, according to which the General Assembly would: (1) recommend to the Secretary-General the desirability of substantially increasing the recruitment of suitably qualified inhabitants of the Non-Self-Governing and Trust Territories in the Secretariat of the United Nations as soon as possible; and (2) invite the Secretary-General to draw the attention of the specialized agencies to this resolution with a view to a similar policy being followed as far as possible in the secretariats of those agencies.

40. Initiating the discussion of the revised draft resolution at the 342nd meeting, the representative of Pakistan, as one of the co-sponsors, made a statement clarifying its purposes. He stated that adoption of the text would have the effect of ensuring that such recruitment would be on a proper geographical basis and would be responsible for the advancement of the inhabitants of Non-Self-Governing and Trust Territories. As to the mechanics of implementation, it was in no way intended to fetter the discretion of the Secretary-General nor to suggest that he should take any specific measures in this direction. It was also not intended that recruitment of persons from these Territories should be confined to any particular group, caste, creed, sex or religion, or that any special concession should be made in their favour in regard to the standards of efficiency, competence and integrity which were so essential in an organization like the United Nations. Paragraph 3 of Article 101 of the Charter, while not providing for recruitment on the basis of race, colour, creed, religion or sex, did state that "due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible". On this latter basis, he had no doubt, the Committee would agree that the Non-Self-Governing and Trust Territories deserved a certain amount of representation, which the sponsors of the revised draft resolution did not consider adequate at the moment. They had, however, the fullest confidence in the Secretary-General and would leave the question of implementation entirely to him; thus he would be fully at liberty to take such steps as he considered to be most appropriate. Furthermore, it was not intended that the strength of the United Nations Secretariat should be specially augmented or that any economies in expenditure which the Secretary-General might have in mind on the staff side should be given up in order that the additional recruitment envisaged in the revised draft resolution should take place. The co-sponsors were convinced that the desired goal could be achieved without any difficulty through appointments to posts which would ordinarily fall vacant from time to time in an organization like the United Nations Secretariat.

41. On behalf of the Secretary-General, a statement was read to the Committee by the Assistant Secretary-General in charge of the Department on Trusteeship and Information from Non-Self-Governing Territories. The Secretary-General, while fully understanding the fine motivations behind the revised draft resolution, stated that for a number of reasons it might be seriously questioned whether it was desirable or necessary to put this matter in the form of a resolution, and, in any case, whether the Fourth Committee, a substantive committee, was the place in which to do it. The question directly involved the responsibility of the Secretary-General in the discharge of his duties as chief administrative officer of the United Nations. When questions of this kind arose, in the interest of efficient and orderly functioning of the Organization, they might be properly dealt with only by those committees specifically charged with such responsibilities—in this instance, the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee. The Fourth Committee could be fully assured that the Secretary-General had already taken good note of the wishes of the Committee in this matter and that he was thoroughly aware of the importance of the question. In view of all these circumstances, he hoped that it would be apparent that no resolution on the subject was necessary and that the revised draft resolution would not be pressed.

42. Following the statement of the Secretary-General, the sponsors of the revised draft resolution revised the text of operative paragraph 1 to read as follows:

"*Recommends* that the Secretary-General consider the desirability of increasing the recruitment of suitably

qualified inhabitants of Non-Self-Governing and Trust Territories in the Secretariat of the United Nations."

43. The representative of India proposed oral amendments to the revised draft resolution, to (a) insert as a fourth paragraph of the preamble the following text, "*Considering* the statement made by the Secretary-General that he has already taken note of the wishes expressed in the Fourth Committee on this matter," and (b) insert the words "continuing and" before the word "increasing" in the revised text of operative paragraph 1. These amendments were accepted by the co-sponsors.

44. The revised draft resolution, as revised and amended, was adopted by 34 votes to 11, with 7 abstentions. The text of the draft resolution, as adopted, is annexed to the present report as draft resolution V.

45. The representative of India proposed that the item under discussion (item 32: Information from Non-Self-Governing Territories) should be kept open. The purpose of the proposal to keep the item open, he explained, was to consider the question of Central African Federation. A request for the closure of debate on this item, proposed by the representative of the United Kingdom, was rejected by 25 votes to 17, with 11 abstentions. At the request of India, the Committee then decided by 25 votes to 4, with 22 abstentions, to keep the item open and postpone further debate.

ITEM 34. CESSATION OF THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e OF THE CHARTER:

(a) *Netherlands Antilles and Surinam*

46. At the 343rd meeting, Sweden submitted a draft resolution on the cessation of the transmission of information on the Netherlands Antilles and Surinam (A/C.4/L.292) according to which the General Assembly would: (1) consider that the new status of the Netherlands Antilles and Surinam could only be rightly appraised after the negotiations between representatives of the Netherlands, Surinam and the Netherlands Antilles, mentioned in the third paragraph of the preamble, had led to a final result and this had been embodied in constitutional provisions; (2) invite the Government of the Netherlands to communicate to the Secretary-General in due course the result of these negotiations and the provisions mentioned in the preceding paragraph; and (3) invite the Committee on Information from Non-Self-Governing Territories to examine these communications in connexion with the information already transmitted and to report thereon to the General Assembly.

47. At the 344th meeting, Indonesia submitted the following amendments (A/C.4/L.293) to the draft resolution:

"(1) Add as paragraphs 2 and 3 to the operative part of the resolution the following paragraphs:

'2. *Expresses* to the Netherlands Government its confidence that as a result of the negotiations a new status will be attained by the Netherlands Antilles and Surinam representing a full measure of self-government in fulfilment of the objectives set forth in Chapter XI of the Charter;

'3. *Invites* the Government of the Netherlands to bring to the notice of the Governments of the Netherlands Antilles and of Surinam the desirability of the continuation of the transmission of information under Article 73 e of the Charter until such time as the Territories no longer fall within the scope of Chapter XI of the Charter.';

"(2) Renumber paragraphs 2 and 3 of the draft resolution as paragraphs 4 and 5."

48. At the same meeting, the Union of Soviet Socialist Republics submitted an amendment (A/C.4/L.294) to the draft resolution submitted by Sweden (A/C.4/L.292) to add the following text as paragraph 4 of the operative part:

"4. Requests the Government of the Netherlands to transmit regularly to the Secretary-General the information specified in Article 73 e of the Charter in regard to the Netherlands Antilles and Surinam until such time as the General Assembly takes a decision that the transmission of information in regard to those Territories should be discontinued."

49. At the 345th meeting, Argentina, Brazil, Chile, Egypt, Guatemala, Honduras, Mexico and Uruguay submitted the following amendments (A/C.4/L.295) to the draft resolution (A/C.4/L.292):

"(1) In the third paragraph of the preamble insert a comma after the words 'will shortly be resumed' and delete the passage which follows.

"(2) In the operative part, insert a new paragraph 1, as follows:

'Notes with satisfaction the progress made by Surinam and the Netherlands Antilles towards self-government'.

The original paragraphs 1, 2 and 3 of the operative part to be consequently renumbered 2, 3 and 4.

"(3) In the original paragraph 2 of the operative part, to delete the words 'in due course'.

"(4) Add a new paragraph 5 to the operative part, as follows:

'Expresses its confidence that the Netherlands will find means of continuing to transmit the information required under Article 73 e of the Charter in respect of the Surinam and the Netherlands Antilles'."

50. New Zealand submitted amendments (A/C.4/L.296) to the draft resolution (A/C.4/L.292), as follows:

"(1) Add as a last paragraph of preamble:

'Having been informed by the representative of the Netherlands that the Netherlands Government is not able to continue transmitting information in accordance with Article 73 e of the Charter on the territories concerned in view of the facts that (a) these territories have achieved complete autonomy in regard to the management of their economic, social and educational affairs, (b) the constitutional provisions regulating the relationship between the Netherlands and the territories concerned no longer allow the Netherlands to continue the transmission of such information, (c) the governments of the territories concerned have stated that the further transmission of information on their territories can no longer be regarded as compatible with their present status.'

"(2) Add as a first operative paragraph before paragraph 1 of the Swedish proposal:

'Takes note of the decision of the Government of the Netherlands that on account of the constitutional considerations above-mentioned it is no longer possible to continue to transmit information in accordance with Article 73 e of the Charter concerning the Netherlands Antilles and Surinam.'

51. In view of the similarity of intention conveyed by the amendments submitted jointly by Argentina, Brazil, Chile, Egypt, Guatemala, Honduras, Mexico and Uruguay (A/C.4/L.295), Indonesia withdrew that part of its amendment (A/C.4/L.293, point 1) to the draft resolution submitted by Sweden (A/C.4/L.292) which would add a new operative paragraph 3.

52. At the 347th meeting, Poland submitted the following amendments (A/C.4/L.297) to the draft resolution submitted by Sweden (A/C.4/L.292):

"(1) In paragraph 2 of the operative part, replace the words 'in due course' by the words 'not later than the ninth regular session of the General Assembly'.

"(2) In paragraph 3 of the operative part, add the words 'ninth regular session of the' before the words 'General Assembly'."

53. At the same meeting, the Committee voted on the draft resolution submitted by Sweden (A/C.4/L.292) and the amendments thereto (A/C.4/L.293, A/C.4/L.294, A/C.4/L.295, A/C.4/L.296, A/C.4/L.297).

54. The result of the voting on the amendments to the preamble was as follows:

The amendment submitted by Argentina, Brazil, Chile, Egypt, Guatemala, Honduras, Mexico and Uruguay (A/C.4/L.295, point 1) to insert a comma after the words "will shortly be resumed" and delete the remainder of the third paragraph was adopted by 37 votes to 5, with 8 abstentions.

The amendment submitted by New Zealand (A/C.4/L.296, point 1) to add a new last paragraph to the preamble was rejected by a roll-call vote of 31 to 12, with 9 abstentions, as follows:

In favour: Australia, Canada, Denmark, France, Luxembourg, Netherlands, New Zealand, Norway, Peru, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Egypt, El Salvador, Greece, Guatemala, Haiti, Honduras, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Abstaining: Belgium, China, Colombia, Dominican Republic, Ecuador, India, Philippines, Sweden, Thailand.

55. The result of the voting on the operative part was as follows:

The amendment submitted by New Zealand (A/C.4/L.296, point 2) to add a new text as paragraph 1 before paragraph 1 of the draft resolution, was rejected by a roll-call vote of 34 to 12, with 6 abstentions, as follows:

In favour: Australia, Belgium, Canada, Denmark, France, Luxembourg, Netherlands, New Zealand, Norway, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Egypt, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Abstaining: Colombia, Dominican Republic, Ecuador, Peru, Sweden, Thailand.

The amendment submitted by Argentina, Brazil, Chile, Egypt, Guatemala, Honduras, Mexico and Uruguay (A/C.4/L.295, point 2), to insert a new paragraph 1 and renumber the paragraphs of the draft resolution accordingly, was adopted by 42 votes to 5, with 5 abstentions.

The amendment submitted by Indonesia (A/C.4/L.293, point 1) to insert a new paragraph 2, was adopted by a roll-call vote of 31 to 11, with 10 abstentions, as follows:

In favour : Afghanistan, Argentina, Bolivia, Brazil, Burma, Chile, China, Colombia, Cuba, Egypt, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yugoslavia.

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

Abstaining : Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Peru, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

The two amendments submitted by Poland (A/C.4/L.297) (see paragraph 52 above), were each rejected by 30 votes to 5, with 17 abstentions.

The amendment submitted by the Union of Soviet Socialist Republics (A/C.4/L.294), to add a new last operative paragraph, was adopted by a roll-call vote of 24 to 18, with 10 abstentions, as follows :

In favour : Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, El Salvador, Greece, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against : Australia, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, France, Luxembourg, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : China, Colombia, Cuba, Dominican Republic, Haiti, Honduras, Nicaragua, Pakistan, Thailand, Venezuela.

56. The draft resolution as a whole, as amended, was adopted by a roll-call vote of 30 to 13, with 9 abstentions, as follows :

In favour : Afghanistan, Argentina, Bolivia, Brazil, Burma, Chile, China, Colombia, Cuba, Egypt, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Venezuela, Yugoslavia.

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

Abstaining : Byelorussian Soviet Socialist Republic, Czechoslovakia, Dominican Republic, Ecuador, Peru, Poland, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

57. The text of the draft resolution, as adopted, is annexed to the present report as draft resolution VI.

(b) Puerto Rico

58. Before taking up the consideration of this part of item 34 the Committee, at its 321st meeting, considered the request for an oral hearing submitted by the President of the Independence Party of Puerto Rico (A/C.4/236).

59. The Committee decided, by a roll-call vote of 25 to 19, with 11 abstentions, to reject the request. The voting was as follows :

In favour : Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, Mexico, Poland, Saudi Arabia, Syria, Ukrainian Soviet

Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against : Australia, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, France, Greece, Israel, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : China, Costa Rica, El Salvador, Haiti, Honduras, Iran, Liberia, Pakistan, Thailand, Uruguay, Venezuela.

60. Similarly, at its 343rd meeting, the Committee considered the request for an oral hearing submitted by the delegate of the Nationalist Party of Puerto Rico in the United States of America (A/C.4/239).

61. The Committee decided, by a roll-call vote of 29 to 17, with 8 abstentions, to reject this request. The voting was as follows :

In favour : Bolivia, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, Mexico, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against : Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, France, Greece, Haiti, Ireland, Israel, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Afghanistan, Argentina, El Salvador, Ethiopia, Iran, Liberia, Uruguay, Venezuela.

62. At the 350th meeting, Brazil, Chile, Colombia, Costa Rica, Ecuador, Panama and Peru submitted a draft resolution (A/C.4/L.300), according to which the General Assembly would : (1) take note favourably of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution ; (2) recognize that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, had achieved a new constitutional status ; (3) express the opinion that it stemmed from the documentation provided that the association of the Commonwealth of Puerto Rico with the United States of America had been established as a mutually agreed association ; (4) recognize that when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico had effectively exercised their right to self-determination ; (5) recognize that in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico had been invested with attributes of political sovereignty which clearly identified the status of self-government attained by the Puerto Rican people as an autonomous political entity ; (6) consider that, due to these circumstances, 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 the Commonwealth of Puerto Rico ; (7) take note of the opinion of the Government of the United States of America as to the cessation of the transmission of information on Puerto Rico under Article 73 e of the Charter ; (8) consider it appropriate that this information should cease ; and (9) express its assurance that, in accordance with the spirit of this resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard would be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their

present legal statute, and also in the eventuality that either of the parties to the mutually agreed association might desire any change in the terms of this association.

63. India submitted the following amendments (A/C.4/L.301) to the above draft resolution :

"(1) In paragraph 1 of the operative part, delete the word 'favourably'.

"(2) Delete paragraphs 4, 5, 6, 7, 8 and 9 of the operative part and replace by the following :

'4. Considers nevertheless that the view of the United States of America that information need no longer be transmitted under Article 73 e of the Charter requires further examination ;

'5. Appoints and *ad hoc* committee consisting of six members to undertake this examination ;

'6. Invites this *ad hoc* committee to take into account all the information available on the question of Puerto Rico and examine by means of any oral hearing such persons as it may deem necessary ;

'7. Invites the Secretary-General to convene the aforesaid *ad hoc* committee so that it may be able to report to the General Assembly at its next session'".

64. Burma, Guatemala, Honduras, Indonesia and Mexico submitted the following amendments (A/C.4/L.302) to the draft resolution :

"(1) Add the following as the last paragraph of the preamble :

"*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'.

"(2) Delete paragraphs 1, 5 and 6 of the operative part.

"(3) Replace paragraph 8 of the operative part by the following :

'Expresses its confidence that the United States will find it possible to continue to transmit information in respect of Puerto Rico under Article 73 e of the Charter'".

65. In view of the character of the proposed amendments (see paragraphs 63 and 64 above), the question was raised whether they should be considered as amendments or as new draft resolutions. The Committee decided, by 33 votes to 11, with 3 abstentions, to consider them as amendments.

66. At its 355th meeting, the Committee voted on the two sets of amendments (A/C.4/L.301 and A/C.4/L.302) and on the draft resolution (A/C.4/L.300), paragraph by paragraph.

67. The results of the voting on the amendments were as follows :

The amendment submitted by India (A/C.4/L.301, point 1) to delete the word "favourably" in operative paragraph 1 was rejected by 31 votes to 21, with 6 abstentions.

The amendment submitted by India (A/C.4/L.301, point 2) to delete operative paragraphs 4, 5, 6, 7, 8 and 9, and replace them by four paragraphs was rejected by 34 votes to 18, with 7 abstentions.

The amendment submitted by Burma, Guatemala, Honduras, Indonesia and Mexico (A/C.4/L.302, point 1), to add a new paragraph at the end of the preamble was adopted by a roll-call vote of 32 to 19, with 8 abstentions, as follows :

In favour : Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia,

Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against : Australia, Belgium, Canada, Colombia, Denmark, France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Norway, Panama, Paraguay, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Brazil, Chile, Costa Rica, Dominican Republic, Iran, Nicaragua, Peru, Thailand.

The amendment submitted by the same five delegations (A/C.4/L.302, point 2) to delete operative paragraphs 1, 5 and 6, was rejected by 31 votes to 15, with 13 abstentions.

The amendment also submitted by those delegations (A/C.4/L.302, point 3) to replace operative paragraph 8 by a new text was rejected by 34 votes to 13, with 12 abstentions.

68. The results of the voting on the *preamble* of the draft resolution (A/C.4/L.300) were as follows :

The first paragraph was adopted by 48 votes to 1, with 6 abstentions.

The second paragraph was adopted by 47 votes to 5, with 5 abstentions.

The third paragraph was adopted by 48 votes to 5, with 4 abstentions.

The fourth paragraph was adopted by 40 votes to 5, with 12 abstentions.

The fifth paragraph was adopted by 34 votes to 6, with 17 abstentions.

69. The results of the voting on the *operative part* of the draft resolution were as follows :

Paragraph 1 was adopted by 29 votes to 12, with 16 abstentions.

Paragraph 2 was adopted by 38 votes to 5, with 14 abstentions.

Paragraph 3 was adopted by 37 votes to 5, with 15 abstentions.

Paragraph 4 was adopted by 32 votes to 8, with 19 abstentions.

Paragraph 5 was adopted by 26 votes to 14, with 18 abstentions.

Paragraph 6 was adopted by 30 votes to 14, with 13 abstentions.

Paragraph 7 was adopted by 37 votes to 11, with 10 abstentions.

Paragraph 8 was adopted by a roll-call vote of 24 to 17, with 17 abstentions, as follows :

In favour : Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Ethiopia, France, Iceland, Iran, Israel, Luxembourg, Nicaragua, Norway, Panama, Paraguay, Peru, Thailand, Turkey, United States of America, Uruguay.

Against : Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Guatemala, Honduras, India, Indonesia, Iraq, Mexico, Netherlands, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

Abstaining : Afghanistan, Argentina, Australia, Canada, Denmark, Egypt, El Salvador, Greece, Haiti, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Sweden, Syria, Venezuela.

Paragraph 9 was adopted by 31 votes to 8, with 19 abstentions.

70. The draft resolution as a whole, as amended, was adopted by a roll-call vote of 22 to 18, with 19 abstentions, as follows :

In favour : Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Ethiopia, Haiti, Iran, Israel, Liberia, Nicaragua, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, Uruguay.

Against : Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Guatemala, Honduras, India, Indonesia, Iraq, Mexico, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining : Afghanistan, Argentina, Denmark, Egypt, El Salvador, France, Greece, Iceland, Lebanon, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Sweden, Syria, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

71. The text of the draft resolution, as adopted, is annexed to the present report as draft resolution VII.

Recommendations of the Fourth Committee

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

Draft resolution I

FACTORS WHICH SHOULD 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

The General Assembly,

Bearing in mind the principles embodied in the Declaration regarding Non-Self-Governing Territories and the objectives set forth in Chapter XI of the Charter,

Recalling the provisions of resolutions 567 (VI) and 648 (VII), adopted by the General Assembly on 18 January and 10 December 1952 respectively, indicating the value of establishing a list of factors which should be taken into account in deciding whether a Territory has or has not attained a full measure of self-government,

Having regard to the competence of the General Assembly to consider the principles that should guide the United Nations and the Member States in the implementation of obligations arising from Chapter XI of the Charter and to make recommendations in connexion with them,

Having examined the report of the Ad Hoc Committee on Factors (Non-Self-Governing Territories) set up by resolution 648 (VII) (A/2428),

1. *Takes note* of the conclusions of the report of the Ad Hoc Committee on Factors (Non-Self-Governing Territories) ;

2. *Approves* the list of factors as adopted by the Fourth Committee ;

3. *Recommends* that the annexed list of factors should be used by the General Assembly and the Administering Members as a guide in determining whether any Territory, due to changes in its constitutional status, is or is no longer within the scope of Chapter XI of the Charter, in order that, in view of the documentation provided under resolution 222 (III) of 3 November 1948, a decision may be taken by the General Assembly on the continuation or cessation of the transmission of information required by Chapter XI of the Charter ;

4. *Reasserts* that each concrete case should be considered and decided upon in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples ;

5. *Considers* that the validity of any form of association between a Non-Self-Governing Territory and a metropolitan or any other country essentially depends on the freely expressed will of the people at the time of the taking of the decision ;

6. *Considers* that the manner in which Territories referred to in Chapter XI of the Charter can become fully self-governing is primarily through the attainment of independence, although it is recognized that self-government can also be achieved by association with another State or group of States if this is done freely and on the basis of absolute equality ;

7. *Reaffirms* that the factors, while serving as a guide in determining whether the obligations as set forth in Chapter XI of the Charter shall exist, should in no way be interpreted as a hindrance to the attainment of a full measure of self-government by a Non-Self-Governing Territory ;

8. *Further reaffirms* that for a Territory to be deemed self-governing in economic, social or educational affairs it is essential that its people shall have attained a full measure of self-government ;

9. *Instructs* the Committee on Information from Non-Self-Governing Territories to study any documentation transmitted hereafter under resolution 222 (III) in the light of the list of factors approved by the present resolution, among other relevant considerations which may arise from each concrete case of cessation of information ;

10. *Recommends* that the Committee on Information from Non-Self-Governing Territories take the initiative of proposing modifications at any time to improve the list of factors, as may seem necessary in the light of circumstances.

ANNEX

List of factors

FACTORS INDICATIVE OF THE ATTAINMENT OF INDEPENDENCE OR OF OTHER SEPARATE SYSTEMS OF SELF-GOVERNMENT

First part

FACTORS INDICATIVE OF THE ATTAINMENT OF INDEPENDENCE

A. *International status*

1. *International responsibility.* Full international responsibility of the territory for the acts inherent in the exercise of its external sovereignty and for the corresponding acts in the administration of its internal affairs.

2. *Eligibility for membership in the United Nations.*

3. *General international relations.* Power to enter into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments.

4. *National defence.* Sovereign right to provide for its national defence.

B. *Internal self-government*

1. *Form of government.* Complete freedom of the people of the territory to choose the form of government which they desire.

2. *Territorial government.* Freedom from control or interference by the government of another State in respect of the internal government (legislature, executive, judiciary, and administration of the territory).

3. *Economic, social and cultural jurisdiction.* Complete autonomy in respect of economic, social and cultural affairs.

Second part

FACTORS INDICATIVE OF THE ATTAINMENT OF OTHER SEPARATE SYSTEMS OF SELF-GOVERNMENT

A. General

1. *Opinion of the population.* The opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

2. *Freedom of choice.* Freedom of choosing on the basis of the right of self-determination of peoples between several possibilities, including independence.

3. *Voluntary limitation of sovereignty.* Degree of evidence that the attribute or attributes of sovereignty which are not individually exercised will be collectively exercised by the larger entity thus associated and the freedom of the population of a territory which has associated itself with the metropolitan country to modify at any time this status through the expression of their will by democratic means.

4. *Geographical considerations.* Extent to which the relations of the Non-Self-Governing Territory with the capital of the metropolitan government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles; and extent to which the interests of boundary States may be affected, bearing in mind the general principle of good-neighbourliness referred to in Article 74 of the Charter.

5. *Ethnic and cultural considerations.* Extent to which the populations are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

6. *Political advancement.* Political advancement of the population sufficient to enable them to decide upon the future destiny of the territory with due knowledge.

B. International status

1. *General international relations.* Degree or extent to which the territory exercises the power to enter freely into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments freely. Degree or extent to which the metropolitan country is bound, through constitutional provisions or legislative means, by the freely expressed wishes of the territory in negotiating, signing and ratifying international conventions which may influence conditions in the territory.

2. *Change of political status.* The right of the metropolitan country or the territory to change the political status of that territory in the light of the consideration whether that territory is or is not subject to any claim or litigation on the part of another State.

3. *Eligibility for membership in the United Nations.*

C. Internal self-government

1. *Territorial government.* Nature and measure of control or interference, if any, by the government of another State in respect of the internal government, for example, in respect of the following:

Legislature: The enactment of laws for the territory by an indigenous body whether fully elected by free and democratic processes or lawfully constituted in a manner receiving the free consent of the population;

Executive: The selection of members of the executive branch of the government by the competent authority in the territory receiving consent of the indigenous population, whether that authority is hereditary or elected, having regard also to the nature and measure of control, if any, by an outside agency on that authority, whether directly or indirectly exercised in the constitution and conduct of the executive branch of the government;

Judiciary: The establishment of courts of law and the selection of judges.

2. *Participation of the population.* Effective participation of the population in the government of the territory: (a) Is

there an adequate and appropriate electoral and representative system? (b) Is this electoral system conducted without direct or indirect interference from a foreign government?*

3. *Economic, social and cultural jurisdiction.* Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign Power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the territory; and by the degree of freedom and lack of discrimination against the indigenous population of the territory in social legislation and social developments.

Third part

FACTORS INDICATIVE OF THE FREE ASSOCIATION OF A TERRITORY ON EQUAL BASIS WITH THE METROPOLITAN OR OTHER COUNTRY AS AN INTEGRAL PART OF THAT COUNTRY OR IN ANY OTHER FORM

A. General

1. *Opinion of the population.* The opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

2. *Freedom of choice.* The freedom of the population of a Non-Self-Governing Territory which has associated itself with the metropolitan country as an integral part of that country or in any other form to modify this status through the expression of their will by democratic means.

3. *Geographical considerations.* Extent to which the relations of the territory with the capital of the central government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles. The right of the metropolitan country or the territory to change the political status of that territory in the light of the consideration whether that territory is or is not subject to any claim or litigation on the part of another State.

4. *Ethnic and cultural considerations.* Extent to which the population are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

5. *Political advancement.* Political advancement of the population sufficient to enable them to decide upon the future destiny of the territory with due knowledge.

6. *Constitutional considerations.* Association by virtue of a treaty or bilateral agreement affecting the status of the territory, taking into account (i) whether the constitutional guarantees extend equally to the associated territory; (ii) whether there are powers in certain matters constitutionally reserved to the territory or to the central authority; and (iii) whether there is provision for the participation of the territory on a basis of equality in any changes in the constitutional system of the State.

* For example, the following questions would be relevant:

(i) Has each adult inhabitant equal power (subject to special safeguards for minorities) to determine the character of the government of the territory?

(ii) Is this power exercised freely, i.e., is there an absence of undue influence over and coercion of the voter and of the imposition of disabilities on particular political parties? Some tests which can be used in the application of this factor are as follows:

(a) The existence of effective measures to ensure the democratic expression of the will of the people;

(b) The existence of more than one political party in the territory;

(c) The existence of a secret ballot;

(d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;

(e) The existence for the individual elector of a choice between candidates of differing political parties;

(f) The absence of "martial law" and similar measures at election times;

(iii) Is each individual free to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day?

B. Status

1. *Legislative representation.* Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

2. *Participation of the population.* Effective participation of the population in the government of the territory: (a) Is there an adequate and appropriate electoral and representative system? (b) Is this electoral system conducted without direct or indirect interference from a foreign government? ¹⁰

3. *Citizenship.* Citizenship without discrimination on the same basis as other inhabitants.

4. *Government officials.* Eligibility of officials from the territory to all public offices of the central authority, by appointment or election, on the same basis as those from other parts of the country.

C. Internal constitutional conditions

1. *Suffrage.* Universal and equal suffrage, and free periodic elections, characterized by an absence of undue influence over and coercion of the voter or of the imposition of disabilities on particular political parties.¹¹

2. *Local rights and status.* In a unitary system equal rights and status for the inhabitants and local bodies of the territory as enjoyed by inhabitants and local bodies of other parts of the country; in a federal system an identical degree of self-government for the inhabitants and local bodies of all parts of the federation.

3. *Local officials.* Appointment or election of officials in the territory on the same basis as those in other parts of the country.

4. *Internal legislation.* Local self-government of the same scope and under the same conditions as enjoyed by other parts of the country.

5. *Economic, social and cultural jurisdiction.* Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign Power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the territory; and by the degree of freedom and lack of discrimination against the indigenous population of the territory in social legislation and social developments.

Draft resolution II**EDUCATIONAL CONDITIONS
IN NON-SELF-GOVERNING TERRITORIES**

The General Assembly,

Considering that, by resolution 445 (V) adopted on 12 December 1950, it approved the special report on education drawn up in 1950 as a brief but considered indication of the importance of educational advancement and of the problems still to be faced in the Non-Self-Governing Territories,

Noting the further report prepared in 1953 by the Committee on Information from Non-Self-Governing Territories on educational conditions in these Territories (A/2465, part two),

¹⁰ See footnote 9.

¹¹ For example, the following tests would be relevant:

(a) The existence of effective measures to ensure the democratic expression of the will of the people;

(b) The existence of more than one political party in the territory;

(c) The existence of a secret ballot;

(d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;

(e) The existence for the individual elector of a choice between candidates of differing political parties;

(f) The absence of "martial law" and similar measures at election times;

(g) Freedom of each individual to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day.

1. *Approves* this further report of the Committee on Information from Non-Self-Governing Territories as a supplement to the report approved in 1950;

2. *Emphasizes* that the objectives of education in Non-Self-Governing Territories are:

(a) To develop moral and civic consciousness and responsibility among the peoples, and to enable them to take an increasing share of responsibility in the conduct of their own affairs;

(b) To raise the standards of living of the peoples by helping them to improve their economic productivity and standards of health;

(c) To promote the social progress of the Territories, taking into account the basic cultural values and the aspirations of the peoples concerned;

(d) To secure the extension of the intellectual development of the peoples so as to provide for them access to all levels of culture;

3. *Affirms* that in accordance with the above objectives the process of education should be designed to familiarize the inhabitants with and train them in the use of the tools of economic, social and political progress, with a view to the attainment of a full measure of self-government;

4. *Recommends* to the Administering Members that, in order to carry out the said objectives and in general to solve the educational problems of the Non-Self-Governing Territories, they should seek the technical advice of the United Nations Technical Administration and make the greatest possible use of the facilities of the specialized agencies;

5. *Recommends further* to the Administering Members that they similarly make the greatest possible use of offers that may be made to them by other States Members of the United Nations through the Secretary-General or through the specialized agencies concerned or in other appropriate ways, for the purpose of facilitating the educational advancement of the Non-Self-Governing Territories by such means as making available fellowships, scholarships and internships to qualified students from these Territories;

6. *Invites* the Secretary-General to communicate the report on education and the present resolution to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories, to the Economic and Social Council, to the Trusteeship Council and to the specialized agencies concerned for their consideration.

Draft resolution III**ASSOCIATION OF REPRESENTATIVES FROM NON-SELF-GOVERNING
TERRITORIES IN THE WORK OF THE COMMITTEE ON
INFORMATION FROM NON-SELF-GOVERNING TERRITORIES**

The General Assembly,

Whereas the direct association of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies has been considered as an effective means of promoting the progress of the populations of these Territories towards a status of equality with the States Members of the United Nations,

Whereas it has been recognized that the direct association of the Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories can be of further assistance in

promoting the progress of these Territories and their peoples towards the goals set forth in Chapter XI of the Charter of the United Nations,

Whereas the Administering Members have been invited to make possible the association of qualified representative inhabitants of the Territories in the work of the Committee,

Considering the technical difficulties advanced by the Administering Members on the question of accepting the collaboration in the work of the Committee as "associate members",

Considering that the principle of unity of representation must be maintained,

Noting that the Member States administering Non-Self-Governing Territories have from time to time attached representative inhabitants of the Territories to their delegations,

Considering that this practice should be stimulated and developed,

1. Invites the Member States administering Non-Self-Governing Territories, the inhabitants of which have attained a large measure of responsibility for economic, social and educational policies, to attach to their delegations, without prejudice to the principle stated in the fifth paragraph of the preamble, indigenous representatives specially qualified to speak on these matters as they relate to these Territories,

2. Requests the Committee on Information from Non-Self-Governing Territories to continue, in accordance with General Assembly resolution 647 (VII) of 10 December 1952, the study of means of securing a progressive increase in the participation of duly qualified representatives of the peoples of the Non-Self-Governing Territories in its work.

Draft resolution IV

REPRESENTATION ON THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

The General Assembly,

Noting that the work of the Committee on Information from Non-Self-Governing Territories, particularly in relation to the special studies of certain functional fields initiated under General Assembly resolution 333 (IV) of 2 December 1949, has been materially assisted by the action of members of the Committee, including certain non-administering members, in associating with their delegations persons with special qualifications in the functional fields studied by the Committee,

Considering that this is a practice which might be extended with advantage to the work of the Committee, in that the pooling and exchange of knowledge and experience thus achieved will enable it more efficaciously to assess the economic, social and educational problems of Non-Self-Governing Territories in the light of the solutions being found to those problems elsewhere in the world,

1. Commends the action of those Members which have included specialist advisers in their delegations to the Committee;

2. Expresses the hope that those Members which have not hitherto found it possible to do so, will find it appropriate to associate with their delegations persons specially qualified in the functional fields within the Committee's purview.

Draft resolution V

EMPLOYMENT OF INTERNATIONAL STAFF FROM NON-SELF-GOVERNING AND TRUST TERRITORIES

The General Assembly,

Considering that paragraph 3 of Article 101 of the Charter of the United Nations regarding the employment of the staff of the United Nations states that, in addition to the necessity of securing the highest standards of efficiency, competence and integrity in employment of Secretariat staff, due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible,

Having regard to the objectives set forth in Chapters XI and XII of the Charter in respect of the advancement of the inhabitants of Non-Self-Governing and Trust Territories,

Considering that the services of individuals from Non-Self-Governing and Trust Territories in the Secretariat of the United Nations will contribute to a wider geographical coverage in the recruitment of staff,

Considering the statement made by the Secretary-General that he has already taken note of the wishes expressed in the Fourth Committee on this matter,

1. Recommends that the Secretary-General consider the desirability of continuing and increasing the recruitment of suitably qualified inhabitants of Non-Self-Governing Territories in the Secretariat of the United Nations;

2. Invites the Secretary-General to draw the attention of the specialized agencies to the present resolution with a view to a similar policy being followed as far as possible in the secretariats of those agencies.

Draft resolution VI

CESSATION OF THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e OF THE CHARTER IN RESPECT OF THE NETHERLANDS ANTILLES AND SURINAM

The General Assembly,

Recalling that in its resolution 650 (VII) of 20 December 1952 it invited the Committee set up to study the factors which should 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 to examine carefully the documents submitted by the Netherlands Government relating to the Netherlands Antilles and Surinam in the light of resolution 648 (VII),

Having received and considered the report of the Ad Hoc Committee on Factors (Non-Self-Governing Territories) established by resolution 648 (VII) (A/2428),

Having taken note of the statement of the representatives of the Netherlands that the negotiations between representatives of the Netherlands, the Netherlands Antilles and Surinam which adjourned in the year 1952 will shortly be resumed.

1. Notes with satisfaction the progress made by the Netherlands Antilles and Surinam towards self-government;

2. Considers that the new status of the Netherlands Antilles and Surinam can only be rightly appraised after the said negotiations have led to a final result and this has been embodied in constitutional provisions;

3. Expresses to the Netherlands Government its confidence that as a result of the negotiations a new status will be attained by the Netherlands Antilles and Surinam representing a full measure of self-government in fulfilment of the objectives set forth in Chapter XI of the Charter;

4. *Invites* the Government of the Netherlands to communicate to the Secretary-General the result of these negotiations and the provisions mentioned in paragraph 2 above ;

5. *Invites* the Committee on Information from Non-Self-Governing Territories to examine these communications in connexion with the information already transmitted and to report thereon to the General Assembly ;

6. *Requests* the Government of the Netherlands to transmit regularly to the Secretary-General the information specified in Article 73 e of the Charter in regard to the Netherlands Antilles and Surinam until such time as the General Assembly takes a decision that the transmission of information in regard to those Territories should be discontinued.

Draft resolution VII

CESSATION OF THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e OF THE CHARTER IN RESPECT OF PUERTO RICO

The General Assembly,

Considering that in resolution 222 (III) of 3 November 1948 the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considers 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 government responsible for the transmission under Article 73 e of the Charter of information in respect of that Territory thinks it unnecessary or inappropriate to continue such a practice,

Having received the communications dated 19 January and 20 March 1953 informing the United Nations of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the Constitution of Puerto Rico, and stating that, in consequence of these constitutional changes, the Government of the United States of America would cease to transmit information under Article 73 e of the Charter,

Having studied the report (A/2465, part one, section VII) prepared by the Committee on Information from Non-Self-Governing Territories, during its session of 1953, on the question of the cessation of the transmission of information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (V) of 12 December 1950,

Having examined the communications of the Government of the United States of America in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto

Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes a link in continental solidarity,

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 favourably* of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution (A/2465, part one, para. 67) ;

2. *Recognizes* that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status ;

3. *Expresses* the opinion that it stems from the documentation provided that the association of the Commonwealth of Puerto Rico with the United States of America has been established as a mutually agreed association ;

4. *Recognizes* that, when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination ;

5. *Recognizes* that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity ;

6. *Considers* that, due to these circumstances, 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 the Commonwealth of Puerto Rico ;

7. *Takes note* of the opinion of the Government of the United States of America as to the cessation of the transmission under Article 73 e of the Charter of information on Puerto Rico ;

8. *Considers it appropriate* that the transmission of this information should cease ;

9. *Expresses* its assurance that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.

DOCUMENT A/2556/Add.1

Addendum to the report of the Fourth Committee

[Original text: English]
[7 December 1953]

ITEM 32. 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

As indicated in its report of 17 November 1953 (A/2556, para. 45), the Fourth Committee decided to keep open this item and postponed further debate. At its 395th meeting, following statements by the representatives of India and the United Kingdom, the Committee concluded its discussion of this item.

ITEM 35. ELECTION OF TWO MEMBERS OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

The General Assembly, by resolution 646 (VII) adopted on 10 December 1952, instructed the Fourth Committee, acting on behalf of the General Assembly, to fill such vacancies as might occur among the non-Administering Members of the Committee on Information from Non-Self-Governing Territories. Consequently, at its 395th meeting, the Fourth Committee elected Burma and Guatemala in place of Cuba and Pakistan.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 459th plenary meeting, on 27 November 1953, the General Assembly adopted draft resolutions II, III, IV and V submitted by the Fourth Committee (pp. 15 to 16 of this fascicule). For the final texts, see resolutions 743 (VIII), 744 (VIII), 745 (VIII) and 746 (VIII) respectively.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/1303/Rev.1	Report of the Special Committee on Information transmitted under Article 73 e of the Charter		Official Records of the General Assembly, Fifth Session, Supplement No. 17
A/2132 and Corr.1	Summary of information transmitted by the Government of the Netherlands		Reproduced basically in Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1952, Vol. II (ST/TRI/SER.A/7/Add.1)
A/2134	Summary of information transmitted by the Government of the United Kingdom of Great Britain and Northern Ireland		Ditto
A/2219 and Corr.1	Report of the Committee on Information from Non-Self-Governing Territories		Official Records of the General Assembly, Seventh Session, Supplement No. 18
A/2407	Summary of information transmitted by the Government of Australia		Reproduced basically in Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1953, Vol. II (ST/TRI/SER.A/8/Add.1)
A/2408	Summary of information transmitted by the Government of Belgium		Ditto
A/2409	Summary of information transmitted by the Government of Denmark		Ditto
A/2410 and Add.1	Summary of information transmitted by the Government of France		Ditto
A/2411 and Add.1	Summary of information transmitted by the Government of the Netherlands		Ditto
A/2413 and Add.1 to 8	Summary of information transmitted by the Government of the United Kingdom of Great Britain and Northern Ireland		Ditto
A/2414 and Add.1 and 2	Summary of information transmitted by the Government of the United States of America		Ditto
A/2465	Report of the Committee on Information from Non-Self-Governing Territories		Official Records of the General Assembly, Eighth Session, Supplement No. 15
A/2556 and Corr.1	Report of the Fourth Committee	2	
A/2556/Add.1	Addendum to the report of the Fourth Committee	18	
A/AC.28/W/13/Rev.1	Dominican Republic: revised draft resolution on the eradication of illiteracy		Mimeographed document only
A/AC.35/L.123	Literacy statistics in Non-Self-Governing Territories		Ditto

Document No.	Title	Page	Observations and references
A/AC.35/L.128	Compulsory education in Non-Self-Governing Territories: memorandum prepared by the Secretariat		Ditto
A/AC.35/L.130	Equal treatment in matters relating to education: memorandum prepared by the Secretariat		Ditto
A/AC.35/L.131	Community development and education in Non-Self-Governing Territories: memorandum prepared by the Secretariat		Ditto
A/AC.35/L.133	Education of girls in Non-Self-Governing Territories: memorandum prepared by the Secretariat		Ditto
A/AC.35/L.136	Measures for suppressing illiteracy which could be applied in Non-Self-Governing Territories: annual report prepared by the United Nations Educational, Scientific and Cultural Organization		Ditto
A/AC.35/L.142	Communication from the Acting Permanent Representative of Belgium to the United Nations, addressed to the Chairman of the Committee on Information from Non-Self-Governing Territories		Ditto.
A/C.4/241	Letter dated 15 October 1953 from the Reverend Michael Scott, The International League for the Rights of Man, addressed to the Chairman of the Fourth Committee		Ditto
A/C.4/L.278	Draft report of the Fourth Committee		For this text, as amended at the 356th meeting of the Fourth Committee, see A/2556 and Corr.1
A/C.4/L.280	Guatemala: amendments to draft resolution A submitted by the Committee on Information from Non-Self-Governing Territories (A/2465, part one, annex II)		A/2556 and Corr.1, para. 21
A/C.4/L.281	Egypt: amendment to draft resolution A submitted by the Committee on Information from Non-Self-Governing Territories (A/2465, part one, annex II)		Replaced by A/C.4/L.281/Rev.1
A/C.4/L.281/Rev.1	Egypt: amendment to the amendments submitted by Guatemala (A/C.4/L.280)		A/2556 and Corr.1, para. 24
A/C.4/L.282	United Kingdom of Great Britain and Northern Ireland: draft resolution on representation on the Committee on Information from Non-Self-Governing Territories		<i>Ibid.</i> , draft resolution IV
A/C.4/L.283	Egypt, Iraq, Liberia, Pakistan, Saudi Arabia and Syria: draft resolution on the employment of international staff from Non-Self-Governing and Trust Territories		Replaced by A/C.4/L.283/Rev.1
A/C.4/L.283/Rev.1	Egypt, Iraq, Liberia, Pakistan, Saudi Arabia and Syria: revised draft resolution on the employment of international staff from Non-Self-Governing and Trust Territories	1	
A/C.4/L.284	Poland: amendments to draft resolutions A and B submitted by the Committee on Information from Non-Self-Governing Territories (A/2465, part one, annex II)	2	
A/C.4/L.285	Venezuela: amendment to draft resolution B submitted by the Committee on Information from Non-Self-Governing Territories (A/2465, part one, annex II)		A/2556 and Corr.1, para. 32
A/C.4/L.286	Colombia: amendment to the amendments submitted by Guatemala (A/C.4/L.280)		<i>Ibid.</i> , para. 22
A/C.4/L.287 and Corr.1	Brazil: amendment to the amendments submitted by Guatemala (A/C.4/L.280)		<i>Ibid.</i> , para. 23
A/INF/56	Review of communications received relating to General Assembly matters		Mimeographed document only
A/RESOLUTION/146	Educational conditions in Non-Self-Governing Territories: resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 743 (VIII)</i>
A/RESOLUTION/147	Association of representatives from Non-Self-Governing Territories: resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953		<i>Ibid.</i> , resolution 744 (VIII)
A/RESOLUTION/148	Representation on the Committee on Information from Non-Self-Governing Territories: resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953		<i>Ibid.</i> , resolution 745 (VIII)
A/RESOLUTION/149	Employment of international staff from Non-Self-Governing and Trust Territories: resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953		<i>Ibid.</i> , resolution 746 (VIII)
E/CN.5/267/Rev.1	<i>Preliminary Report on the World Social Situation</i>		United Nations Publications, Sales No.: 1952.IV.11
ST/TRI/SER.A/6/Add.2	<i>Special study on economic conditions and development in Non-Self-Governing Territories</i>		United Nations Publications, Sales No.: 1952.VI.B.2
ST/TRI/SER.A/7/Add.1	<i>Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1952</i>		United Nations Publications, Sales No.: 1953.VI.B.1, vol. II

GENERAL ASSEMBLY



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HEADQUARTERS, NEW YORK, 1953

Agenda item 33: Factors which should 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: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories)

C O N T E N T S

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DOCUMENT A/2428

Report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories)¹[Original text: English]
[4 August 1953]

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I. CONSTITUTION OF THE *Ad Hoc* COMMITTEE

1. By resolution 648 (VII) adopted on 10 December 1952, the General Assembly appointed an *Ad Hoc* Committee of ten members comprising Australia, Belgium, Burma, Cuba, Guatemala, Iraq, Netherlands, United Kingdom, United States of America and Venezuela, in order to continue and carry out a more thorough study of the factors which will have to be taken into account in deciding whether a territory has or has not attained a full measure of self-government. The Committee was invited to take into account the list of factors prepared in 1952 by the *Ad Hoc* Committee set up under General Assembly resolution 567 (VI) and the statements transmitted by governments in compliance with the aforementioned resolution. The Committee was also invited to take into account certain additional elements (see section 10 below).

2. By resolution 650 (VII) adopted on 20 December 1952, the *Ad Hoc* Committee was invited to examine carefully, in the light of resolution 648 (VII), the documents submitted by the Netherlands Government relating to the cessation of information in respect of the Netherlands Antilles and Surinam.

3. The *Ad Hoc* Committee met at the Headquarters of the United Nations on 21 July 1953 and held eight meetings between that date and 30 July 1953.

II. OFFICERS

4. The officers of the Committee were the following:

Chairman: Mr. Awni Khalidy (Iraq)

Vice-Chairman and Rapporteur: Mr. Benjamin Gerig (United States of America)

III. DEVELOPMENT OF THE STUDY OF FACTORS

5. By resolution 334 (IV) adopted on 2 December 1949, the General Assembly had invited the Committee on Information from Non-Self-Governing Territories "to examine the factors which should be taken into account in deciding whether any territory is or is not a territory whose people have not yet attained a full measure of self-government".

6. In 1951 the Committee on Information prepared a report which was submitted to the General Assembly

at its sixth session.² At that session, the Fourth Committee appointed a sub-committee (Sub-Committee 9) to undertake a further examination of the question; on the report of that Sub-Committee it adopted a resolution which was approved by the General Assembly as resolution 567 (VI).

7. By resolution 567 (VI) the General Assembly decided to take as a basis the list of factors which had been drawn up at the sixth session and to appoint an *ad hoc* committee to carry out a further study of the factors taking into account the information available. This information included the views which the Members were invited to transmit by the resolution itself, and earlier information transmitted to the Secretary-General on the reasons which had led certain of the Administering Members to cease to transmit information on certain of the territories previously enumerated as Non-Self-Governing Territories.

8. The 1952 *Ad Hoc* Committee reported to the General Assembly at its seventh session.³ After the report had been examined by the Fourth Committee, the General Assembly adopted resolution 648 (VII) approving provisionally the list of factors as established in 1952 but appointing the present *Ad Hoc* Committee with the terms of reference set forth in paragraph 1 above.

9. The foregoing history shows the degree of attention which has been paid to the problem in recent years, and is an indication of the complexities involved. From the beginning, it was agreed that no list of factors could serve as more than a guide in determining whether any particular territory has attained a full measure of self-government. Moreover, as stated in resolution 648 (VII), each concrete case should be considered and decided in the light of the particular circumstances of that case. Taking these circumstances into consideration, it may be thought that, while a further refining and clarification of the list of factors would still be possible, a stage may have been reached in the studies of the subject which makes unnecessary any immediate action, since the present list is sufficient to serve as a guide in the sense indicated in resolution 648 (VII), permitting the full consideration of each concrete case.

² See *Official Records of the General Assembly, Sixth Session, Supplement No. 14*, document A/1836, part IV.

³ *Ibid.*, *Seventh Session, Annexes*, agenda item 36, document A/2178.

¹ This report covers items 33 and 34 (a) of the agenda of the eighth session.

10. The representative of Iraq suggested that the General Assembly should refer the list of factors, and the question of the interpretation and development of those factors in the light of changing circumstances, to the Committee on Information from Non-Self-Governing Territories as one of its regular charges and responsibilities. This suggestion was supported by the representatives of Burma, Cuba, Guatemala and Venezuela. The representative of Belgium opposed the suggestion. He considered that even if the Committee on Information could be regarded as constitutionally justified, it had no competence in political matters since these matters were not covered by Article 73 e of the Charter.

IV. ADDITIONAL ELEMENTS RELATING TO SELF-GOVERNMENT AND SELF-DETERMINATION

11. By paragraph 7 of General Assembly resolution 648 (VII), the *Ad Hoc* Committee was invited "to take into account, *inter alia*, the list of factors prepared in 1952 by the *Ad Hoc* Committee set up under General Assembly resolution 567 (VI) and the statements transmitted by governments in compliance with the aforementioned resolution and, further, to take into account the following additional elements:

(a) The possibility of defining the concept of a full measure of self-government for the purposes of Chapter XI of the Charter;

(b) The features guaranteeing the principle of the self-determination of peoples in relation to Chapter XI of the Charter;

(c) The manifestation of the freely expressed will of the peoples in relation to the determination of their national and international status for the purposes of Chapter XI of the Charter."

In connexion with point (a), the *Ad Hoc* Committee agreed that it was not possible to find a satisfactory definition of the concept of a full measure of self-government for the purposes of Chapter XI of the Charter. Even if the concept of self-government could be satisfactorily defined, such a definition would be insufficient unless completed by the definition of "a full measure" of self-government within the framework of Chapter XI.

12. On the other hand, it was agreed that there were a number of features which were helpful in indicating whether a full measure of self-government had been achieved in any particular case. Many of these features were indicated in the list of factors. Others were suggested in the replies of the governments.

13. Thus, the absence of a satisfactory definition was not a serious disadvantage, since in the examination of any particular case the concept would emerge in its practical application to the facts of that case.

14. Points (b) and (c) were examined together, in view of their close inter-connexion.

15. In relation to these two points, the *Ad Hoc* Committee noted that, in virtue of General Assembly resolution 637 C (VII), a study of ways and means of ensuring international respect for the right of peoples to self-determination is being continued through the Economic and Social Council and the Commission on Human Rights. For its part, the Committee considered that among the features guaranteeing the principle of the self-determination of peoples in relation to Chapter XI of the Charter might be found the following:

A. The political advancement of the population sufficient to enable them to decide the future destiny of the territory by means of democratic processes.

B. The functioning of a representative system of government, with periodic elections in which the peoples fully participate, or other democratic processes by which the peoples can exercise their free will.

C. The enjoyment of individual rights, including:

(a) Freedom of the individual and his ability to participate and to have a voice in his government,

(b) Guarantee of basic rights, e.g., freedom of speech, Press, assembly, religion and the right to a fair trial,

(c) Universal adult suffrage, based on adequate educational opportunities,

(d) Freedom of the individual to join political parties and of all the parties to participate freely in the political life of the territory.

D. The absence of any pressure or coercion on the population so that they may be in a position freely to express their views as to the national or international status which they may desire (attainment of independence, attainment of other systems of self-government in continuing association, or free association as an integral part of the metropolitan or other country).

E. Assurance that the views of the population will be respected.

16. With reference to point E above, the representative of the United States of America said that, because the paragraph seemed to require a metropolitan or other State to give assurances in advance that effect would be given to the wishes of a territory which may adopt for statehood or for another form of integration, the United States delegation must completely reserve its position since the action to be taken would be a matter requiring the consent of both parties.

17. Reservations were also made by the representatives of Australia, Belgium, the Netherlands and the United Kingdom.

18. The representative of Australia said he would abstain on any proposal in this connexion because the question of self-determination had no direct relevance to Chapter XI of the Charter; the representative of Belgium agreed that the phase of development involved was outside the scope of Chapter XI and therefore outside the competence of the Committee.

19. The representative of the United Kingdom felt obliged to reserve the position of his delegation in relation to point E since he interpreted it as an assertion that whenever a people had declared its will its desires must be met. He indicated that any given Non-Self-Governing Territory might well be inhabited by several "peoples" whose freely expressed wishes might be in conflict, and recognition of their several wishes without qualification might simply lead to anarchy and chaos. There was always in such discussions the overwhelming difficulty that no acceptable definition of the word "people" had ever been reached in connexion with the principle of self-determination. His delegation had always regarded this principle as a useful guide to political action, in conjunction with other useful principles such as the need for cohesion and stability in the world, the need to provide for tolerable living standards and the need for the recognition of mutual interests in relations between peoples. While due respect should be accorded to the principle of self-determination, this

principle could not be followed blindly with disregard to the equal validity of other principles.

20. The representative of the Netherlands associated himself with the reservations of the other representatives.

21. The representative of Guatemala proposed the addition of a new point F to the above list to read as follows: "Freedom of the peoples of Non-Self-Governing Territories, which have freely limited their sovereignty in favour of the metropolitan or other country, to change their status by democratic processes". The representatives of Cuba, Iraq and Venezuela associated themselves with this text, the representative of Venezuela stating that the whole list should be regarded as an enumeration of features which should not be applied rigidly or inflexibly. A suggestion by the representative of the United States of America that this formulation could be improved by making it subject to existing agreements was not acceptable to the representative of Guatemala, who felt that this would nullify the entire concept.

22. The original text proposed by the representative of Guatemala being retained, reservations were expressed by the representatives of Australia, Belgium, Burma, the Netherlands, the United Kingdom and the United States of America.

23. The representatives of Australia and the Netherlands considered the proposal unacceptable in its present form.

24. The representative of Belgium repeated that this point lay outside the scope of Chapter XI of the Charter and was beyond the competence of the *Ad Hoc* Committee.

25. The representative of Burma said that the final decision as to their future international status should be taken by the people themselves. Once the people, taking all factors and circumstances into consideration, freely elected association with the metropolitan or other country, then secession should be subject to the terms of any agreement entered into at that particular point. His position was based on the assumption that the decision of association had been arrived at freely, as expressed in the paragraph E which he had proposed.

26. The representative of the United Kingdom recorded the opposition of his delegation to point F since he considered that it related to situations arising in a territory after it had passed beyond the scope of Chapter XI of the Charter and was, therefore, outside the terms of reference of the *Ad Hoc* Committee. Furthermore, such a provision would encourage the unilateral repudiation of agreements, to which his delegation was opposed.

27. The representative of the United States of America agreed with certain of the above reservations and could not consider that an unqualified unilateral right of secession or the unilateral altering of agreements was a sound principle.

28. Finally the representative of Guatemala considered it essential to establish that no metropolitan government might change the political status of a Non-Self-Governing Territory which was the subject of claim or litigation on the part of another State until such claim or litigation had been duly settled.

29. The representative of the United Kingdom observed that he failed to see the relevance of this contention to the list of factors or to any item on the agenda of the *Ad Hoc* Committee. Any disputes as to sov-

eignty could be adjudicated by the appropriate international body. In the meantime, it was surely the duty of the *de facto* Administering Authority to promote to the utmost the realization of the objectives of Chapter XI, since in the event of a change of sovereignty the new sovereign would fall heir to all the obligations of the old one under this Chapter of the Charter.

V. EXAMINATION OF THE LIST OF FACTORS

30. The list of factors provisionally approved by the General Assembly in 1952 was considered by the *Ad Hoc* Committee and approved, subject to the following changes.

31. The 1952 list was divided into two parts, and the second part into two sections. The first part consisted of factors indicative of the attainment of independence. The second part consisted, first, of factors indicative of the attainment of other separate systems of self-government and, secondly, of factors indicative of the free association of a territory with other component parts of the metropolitan or other country. After various opinions had been expressed on other possible ways of dividing the list, it was agreed that no fundamental change was necessary, but it was suggested by the United Kingdom representative that the division should be into three separate parts concerning (I) Independence; (II) Self-government in continuing association under treaty or constitutional instruments with a metropolitan country; and (III) Self-government as a component part of a federal or unitary State.

32. The first part, concerning factors indicative of the attainment of independence, was approved without change.

33. The representative of the United Kingdom proposed that the title of the second part should read: "Factors indicative of other systems of self-government in continuing association with the metropolitan country." The representative of Guatemala made a reservation that cases might conceivably arise when the association would not be with the original metropolitan country. The representative of Venezuela proposed that the title should therefore be broadened by the addition of the words "or in other forms", which was accepted by the Committee.

34. Factor A.3 of the second part relates to the voluntary limitation of sovereignty. The representative of Guatemala pointed out that his Government and that of El Salvador had proposed the elimination of this factor. He expressed doubt whether any territory could voluntarily surrender any sovereignty that it did not possess. After other members had held that the factor might be of practical value in certain cases, a phrase was added, on the proposal of the representative of Venezuela, with an amendment proposed by the representative of Cuba, to read "degree of evidence that the attribute or attributes of sovereignty which are not exercised individually will be collectively exercised by the larger entity thus associated".

35. The representative of the Netherlands suggested the inclusion of an additional paragraph after factor B.1 in order to provide for the complimentary case of the obligations of the metropolitan country. After a brief discussion, the Committee agreed to add the following:

"Degree or extent to which the metropolitan country is bound, through constitutional provisions or legislative means, by the freely expressed wishes of

the territory in negotiating, signing and ratifying international conventions which may influence conditions in the territory."

36. The representative of the Netherlands, who had requested the deletion of factor B.2—*Eligibility for membership in the United Nations*—from the second part, withdrew his proposal on the ground that the new title of the second part now made possible the retention of such a factor.

37. On the proposal of the United Kingdom representative, it was agreed that the title of the third part should read: "Factors indicative of the free association of a territory with the metropolitan or other country as an integral part of that country".

38. The representative of Guatemala felt that this title, like that of the second part, was too restrictive and implied the concept of continuous associations and did not, therefore, make provision for any other forms.

39. No change was made in the third part, on which the opinion was expressed that it had been carefully studied and was the most satisfactory of the three parts.

40. The Belgian representative made the following reservations concerning the question of factors:

(a) Chapter XI of the Charter appeared to apply to all "Territories whose peoples have not yet attained a full measure of self-government". It was couched in general terms and provided no exceptions. The benefit of the international obligations assumed by States under Chapter XI was not therefore restricted to the peoples of colonies and protectorates.

(b) It was the prerogative of States, and of them alone, to decide with legal effect, each for itself, whether the territories for which they were responsible came, did not come, or no longer came, within the scope of Chapter XI. That was their right under international law and they had not ceded it to any organ of the United Nations. In particular, the General Assembly could not force any definition upon them. Article 2, paragraph 7, of the Charter was quite categorical: nothing contained in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. The Assembly would therefore be exceeding its powers if it passed judgment in any capacity or in any way on the status of a specific State or territory.

(c) The Assembly could, however, give its general opinion on the factors which might, in its opinion, serve as a guide to States. They were no more than opinions, however, and were not binding on States.

(d) If the factors drawn up by the General Assembly were considered fit to serve as a guide in determining whether a territory was self-governing, they were, conversely, fit to serve as a guide in determining whether a territory was not self-governing and was hence a subject for the guarantees of Chapter XI. No State which recognized those factors as valid for determining the status of other States could dispute their validity for determining its own status under Chapter XI.

(e) The Belgian delegation had taken no part in the efforts that had led to the study of factors and it was not satisfied with the results. Its attitude concerning the list of factors that had been drawn up was one of abstention. In spite of some vagueness and inaccuracy, however, the studies that had been made had brought to light sufficient evidence to show that there were many peoples in the world who were not yet self-governing and that there were, therefore, many States with obliga-

tions under Chapter XI. Henceforth, therefore, it would be useless to endeavour to impose the idea that the only States having obligations under Chapter XI were the eight Member States which had recognized those obligations and, in particular, the obligation to furnish information in accordance with Article 73 e.

VI. LIST OF FACTORS APPROVED BY THE *Ad Hoc* COMMITTEE

41. The following is the list of factors approved by the *Ad Hoc* Committee.

FACTORS INDICATIVE OF THE ATTAINMENT OF INDEPENDENCE OR OF OTHER SEPARATE SYSTEMS OF SELF-GOVERNMENT

First Part

FACTORS INDICATIVE OF THE ATTAINMENT OF INDEPENDENCE

A. *International status*

1. *International responsibility.* Full international responsibility of the territory for the acts inherent in the exercise of its external sovereignty and for the corresponding acts in the administration of its internal affairs.

2. *Eligibility for membership in the United Nations.*

3. *General international relations.* Power to enter into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments.

4. *National defence.* Freedom of the territory to enter into arrangements concerning its national defence.

B. *Internal self-government*

1. *Form of government.* Complete freedom of the people of the territory to choose the form of government which they desire.

2. *Territorial government.* Freedom from control or interference by the government of another State in respect of the internal government (legislature, executive, judiciary, and administration of the Territory).

3. *Economic, social and cultural jurisdiction.* Complete autonomy in respect of economic, social and cultural affairs.

Second Part

FACTORS INDICATIVE OF THE ATTAINMENT OF OTHER SYSTEMS OF SELF-GOVERNMENT IN CONTINUING ASSOCIATION WITH THE METROPOLITAN COUNTRY OR IN OTHER FORMS

A. *General*

1. *Political advancement.* Political advancement of the population sufficient to enable them to decide upon the future destiny of the territory with due knowledge.

2. *Opinion of the population.* The opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

3. *Voluntary limitation of sovereignty.* Degree to which the sovereignty of the territory is limited by its own free will when that territory has attained a separate system of self-government. Degree of evidence that the attribute or attributes of sovereignty which are not individually exercised will be collectively exercised by the larger entity thus associated.

B. *International status*

1. *General international relations.* Degree or extent to which the territory exercises the power to enter freely into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments freely. Degree or extent to which the metropolitan country is bound, through constitutional provisions or legislative means, by the freely expressed wishes of the territory in negotiating, signing and ratifying international conventions which may influence conditions in the territory.

2. *Eligibility for membership in the United Nations.*

C. *Internal self-government*

1. *Territorial government.* Nature and measure of control or interference, if any, by the government of another State in respect of the internal government, for example, in respect of the following:

Legislature: The enactment of laws for the territory by an indigenous body whether fully elected by free and democratic processes or lawfully constituted in a manner receiving the free consent of the population;

Executive: The selection of members of the executive branch of the government by the competent authority in the territory receiving consent of the indigenous population, whether that authority is hereditary or elected, having regard also to the nature and measure of control, if any, by an outside agency on that authority, whether directly or indirectly exercised in the constitution and conduct of the executive branch of the government;

Judiciary: The establishment of courts of law and the selection of judges.

2. *Participation of the population.* Effective participation of the population in the government of the territory: (a) Is there an adequate and appropriate electoral and representative system? (b) Is this electoral system conducted without direct or indirect interference from a foreign government?⁴

3. *Economic, social and cultural jurisdiction.* Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign Power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the territory; and by the degree of freedom and lack of discrimination against the indigenous

⁴ For example, the following questions would be relevant: (i) Has each adult inhabitant equal power (subject to special safeguards for minorities) to determine the character of the government of the territory? (ii) Is this power exercised freely, i.e., is there an absence of undue influence over and coercion of the voter and of the imposition of disabilities on particular political parties? Some tests which can be used in the application of this factor are as follows:

(a) The existence of effective measures to ensure the democratic expression of the will of the people;

(b) The existence of more than one political party in the territory;

(c) The existence of a secret ballot;

(d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;

(e) The existence for the individual elector of a choice between candidates of differing political parties;

(f) The absence of "martial law" and similar measures at election times.

(iii) Is each individual free to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day?

population of the territory in social legislation and social developments.

Third Part

FACTORS INDICATIVE OF THE FREE ASSOCIATION OF A TERRITORY WITH THE METROPOLITAN OR OTHER COUNTRY AS AN INTEGRAL PART OF THAT COUNTRY

A. *General*

1. *Political advancement.* Political advancement of the population sufficient to enable them to decide upon the future destiny of the territory with due knowledge.

2. *Opinion of the population.* The opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

3. *Geographical considerations.* Extent to which the relations of the territory with the capital of the central government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles.

4. *Ethnic and cultural considerations.* Extent to which the population are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

5. *Constitutional considerations.* Association (a) by virtue of the constitution of the metropolitan country; or (b) by virtue of a treaty or bilateral agreement affecting the status of the territory, taking into account (i) whether the constitutional guarantees extend equally to the associated territory, (ii) whether there are powers in certain matters constitutionally reserved to the territory or to the central authority, and (iii) whether there is provision for the participation of the territory on a basis of equality in any changes in the constitutional system of the State.

B. *Status*

1. *Legislative representation.* Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

2. *Citizenship.* Citizenship without discrimination on the same basis as other inhabitants.

3. *Government officials.* Eligibility of officials from the territory to all public offices of the central authority, by appointment or election, on the same basis as those from other parts of the country.

C. *Internal constitutional conditions*

1. *Suffrage.* Universal and equal suffrage, and free periodic elections, characterized by an absence of undue influence over and coercion of the voter or of the imposition of disabilities on particular political parties.⁵

⁵ For example, the following tests would be relevant:

(a) The existence of effective measures to ensure the democratic expression of the will of the people;

(b) The existence of more than one political party in the territory;

(c) The existence of a secret ballot;

(d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;

(e) The existence for the individual elector of a choice between candidates of differing political parties;

(f) The absence of "martial law" and similar measures at election times;

(g) Freedom of each individual to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day.

2. *Local rights and status.* In a unitary system equal rights and status for the inhabitants and local bodies of the territory as enjoyed by inhabitants and local bodies of other parts of the country; in a federal system an identical degree of self-government for the inhabitants and local bodies of all parts of the federation.

3. *Local officials.* Appointment or election of officials in the territory on the same basis as those in other parts of the country.

4. *Internal legislation.* Local self-government of the same scope and under the same conditions as enjoyed by other parts of the country.

VII. CESSATION OF THE TRANSMISSION OF INFORMATION ON THE NETHERLANDS ANTILLES AND SURINAM

42. By resolution 650 (VII) of 20 December 1952, the General Assembly decided that the *Ad Hoc* Committee should examine carefully the documents submitted by the Netherlands Government relating to the Netherlands Antilles and Surinam in the light of the resolution on factors and should report to the General Assembly at its eighth session.

43. The principal document submitted by the Netherlands Government was in the form of a communication dated 31 August 1951, completed by a communication of 30 November 1951 (A/C.4/200). The document contained an explanatory note by the Netherlands Government and constitutional texts comprising articles of the Constitution of the Netherlands (1948), the Interim Order of Government for the Netherlands Antilles (1950) and the Constitution of the Netherlands Antilles (1950). The texts were transmitted in English and, in addition, the full Dutch texts of the legal regulations of both the Netherlands Antilles and Surinam were annexed.

44. When the *Ad Hoc* Committee met, a further communication was brought before it in the form of a letter to the Secretary-General dated 23 July 1953 from the Permanent Representative of the Netherlands to the United Nations (A/AC.67/3).

45. In this last communication the Netherlands Government stated that according to Article 73 e, the obligation to transmit information was subject to such limitation as security or constitutional considerations might require. The Netherlands Government based its decision to discontinue the transmission of information in 1951 on this limitation. After the enactment of the Interim Orders of Government which accorded a new

status to Surinam and the Netherlands Antilles, there were constitutional objections to continuing the transmission of information. The Netherlands Government further expressed doubt whether the examination of the discontinuance of the transmission of information in the case of the Netherlands Antilles and Surinam would be facilitated by applying the resolution on factors as a yardstick. According to the Netherlands Government, "the point is: has a territory attained such a measure of self-government that it is fully responsible for the three fields mentioned in Article 73 e, viz., the economic, social and educational conditions"?

46. The representative of the Netherlands presented this communication to the Committee, and said that the Netherlands Government was confronted with the impossibility of transmitting information by the fact that the Governments of the territories themselves had opposed such transmission. He invited the Committee, and the Committee agreed, to hear on the subject Mr. Pos and Mr. Debrot, General Representatives to the Netherlands Government in The Hague for Surinam and the Netherlands Antilles respectively, empowered by their respective Governments to act as members of the Netherlands delegation.

47. The representatives of Australia, Belgium, the United Kingdom and the United States of America, though not all for the same reasons, agreed with the Netherlands delegation that information on Surinam and the Netherlands Antilles, hitherto supplied in accordance with Article 73 e, might now cease.

48. The representatives of Burma, Cuba, Guatemala and Iraq did not consider that the reasons advanced by the Netherlands delegation were sufficient to justify the cessation of information because they were not in conformity with the provisions of General Assembly resolution 648 (VII). The representative of Venezuela maintained that, although the *Ad Hoc* Committee was competent by virtue of its terms of reference to deal with the matter, nevertheless, for practical reasons, it would be better to refer the problem directly to the General Assembly.

49. The views expressed by representatives are given in the summary records of the sixth and seventh meetings of the *Ad Hoc* Committee (A/AC.67/SR.6 and 7), to which the attention of the General Assembly is drawn.

50. In view of the wide divergencies which prevailed in the *Ad Hoc* Committee, it was decided that this matter should be referred to the General Assembly without recommendation.

DOCUMENT A/C.4/L.272

Brazil: draft resolution

[Original text: English]
[5 October 1953]

The General Assembly,

Bearing in mind the principles embodied in the Declaration regarding Non-Self-Governing Territories and the objectives set forth in Chapter XI of the Charter,

Recalling the provisions of resolutions 567 (VI) and 648 (VII), adopted by the General Assembly on

18 January and 10 December 1952 respectively, indicating the value of establishing a list of factors which should be taken into account in deciding whether a Territory has or has not attained a full measure of self-government,

Having examined the report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) set up by resolution 648 (VII) (A/2428),

Considering that the list of factors, as established and approved by the *Ad Hoc* Committee, meets satisfactorily the purposes of the General Assembly in recommending the production of such list,

1. *Takes note* of the conclusions of the report of the *Ad Hoc* Committee;

2. *Approves* the list of factors contained in that report;

3. *Recommends* that the annexed list of factors should be taken by the Administering Members and by the General Assembly as a guide and applied in the light of all relevant circumstances pertinent to each particular situation, in determining whether any Territory, due to changes in its constitutional status, is or is no longer within the scope of Chapter XI of the Charter, in order that, in view of the documentation provided under resolution 222 (III), a decision may be taken on the continuation or cessation of the transmission of information required by Chapter XI of the Charter;

4. *Recommends* that in the study of each case paramount consideration be given to the evidence which may indicate that the people concerned has exercised its rights to self-determination;

5. *Reaffirms* that the factors, while serving as a guide in determining whether the obligations as set

forth in Article 73 e of the Charter shall exist, should in no way be interpreted as a hindrance to the attainment of a full measure of self-government by a Non-Self-Government Territory;

6. *Further reaffirms* that, for a territory to be deemed self-governing in economic, social or educational affairs it is essential that its people shall have attained a full measure of self-government as referred to in Chapter XI of the Charter;

7. *Further instructs* the Committee on Information from Non-Self-Governing Territories to study any documentation transmitted hereafter under resolution 222 (III), adopted on 3 November 1948, in the light of the list of factors approved by the present resolution, among other relevant considerations which may arise from each concrete case of cessation of information, when the Committee discharges the responsibilities entrusted to it by paragraph 1 of resolution 334 (IV), adopted on 2 December 1949, and paragraph 2 of resolution 448 (V), adopted on 12 December 1950;

8. *Recommends* that the Committee on Information from Non-Self-Governing Territories take the initiative of proposing to the General Assembly revisions and interpretations of, or additions to, the list of factors whenever, due to difficulties of applications or the arising of new circumstances, the Committee find it so advisable.

NOTE

The report of the Fourth Committee (A/2556 and Corr.1), which covers items 32, 33 and 34 of the agenda, will be found in the fascicule relating to item 32.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 459th plenary meeting, on 27 November 1953, the General Assembly adopted draft resolution I, including the annex, submitted by the Fourth Committee (See document A/2556 and Corr.1 in the fascicule relating to item 32). For the final text, see resolution 742 (VIII).

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/2178	Report of the <i>Ad Hoc</i> Committee on Factors (Non-Self-Governing Territories)		<i>Official Records of the General Assembly, Seventh Session, Annexes, agenda item 36</i>
A/2428	Report of the <i>Ad Hoc</i> Committee on Factors (Non-Self-Governing Territories)	2	
A/2465	Report of the Committee on Information from Non-Self-Governing Territories		<i>Ibid., Eighth Session, Supplement No. 15</i>
A/2556 and Corr.1	Report of the Fourth Committee		<i>Ibid., Annexes, agenda item 32</i>
A/AC.35/SR.34	Special Committee on Information transmitted under Article 73 e of the Charter: summary record of the thirty-fourth meeting		Mimeographed document only
A/AC.58/1 and Add.1 to 3	Replies of governments indicating their views on the 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		Ditto
A/AC.67/2 and Corr.1 and 2	Replies of governments indicating their views on the 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		Ditto
A/AC.67/L.1	Definition of the concept of a full measure of self-government: working paper prepared by the Secretariat		Ditto
A/C.4/L.180 and Corr.2	Factors which should 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: report of Sub-Committee 9		<i>Official Records of the General Assembly, Sixth Session, Annexes, agenda item 36</i>
A/C.4/L.272	Brazil: draft resolution	7	
A/C.4/L.273	Bolivia, Egypt, Guatemala, Indonesia, Iraq, Mexico, Saudi Arabia, Syria, Venezuela, Yemen and Yugoslavia: amendments to the draft resolution submitted by Brazil (A/C.4/L.272)		A/2556 and Corr.1, para. 4
A/C.4/L.274	Bolivia, Egypt, Guatemala, Indonesia, Iraq, Mexico, Saudi Arabia, Syria, Venezuela, Yemen and Yugoslavia: amendments to the list of factors contained in document A/2428		<i>Ibid.</i> , para. 5
A/C.4/L.275	Philippines: amendments to the draft resolution submitted by Brazil (A/C.4/L.272)		<i>Ibid.</i> , para. 13
A/C.4/L.276	United States of America: amendment to the draft resolution submitted by Brazil (A/C.4/L.272)		<i>Ibid.</i> , para. 13
A/C.4/L.277	India: amendment to the draft resolution submitted by Brazil (A/C.4/L.272)		<i>Ibid.</i> , para. 13
A/C.4/L.278	Draft report of the Fourth Committee		For this text, as amended at the 356th meeting of the Fourth Committee, see A/2556 and Corr.1
A/C.4/L.279	Draft resolution adopted by the Fourth Committee at its 330th meeting on 9 October 1953		A/2556 and Corr.1, draft resolution I
A/RESOLUTION/145	Resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 742 (VIII)</i>

GENERAL ASSEMBLY



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ANNEXES

EIGHTH SESSION

Official Records

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HEADQUARTERS, NEW YORK, 1953

JUN 22 1954

Agenda item 34: Cessation of the transmission of information under Article 73 e of the Charter: reports of the "Ad Hoc" Committee on Factors (Non-Self-Governing Territories) and of the Committee on Information from Non-Self-Governing Territories:

- (a) Netherlands Antilles and Surinam ;
- (b) Puerto Rico

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Plenary meetings (final phase) :		
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DOCUMENT A/C.4/L.292

Sweden : draft resolution

[Original text : English]
[26 October 1953]

The General Assembly,

Recalling that in its resolution 650 (VII) it invited the Committee set up to study the factors which should 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 to examine carefully the documents submitted by the Netherlands Government relating to Surinam and the Netherlands Antilles in the light of resolution 648 (VII),

Having received and considered the report of the Ad Hoc Committee on Factors (Non-Self-Governing Territories) established by resolution 648 (VII) (A/2428).

Having taken note of the statement of the representative of the Netherlands that the negotiations between representatives of the Netherlands, Surinam and the Netherlands Antilles which were adjourned in the year 1952 will shortly be resumed and that these negotiations

are aimed at the establishment of a system of co-operation for the common affair of the countries and the establishment of a new constitutional order to replace the present interim arrangements,

1. Considers that the new status of Surinam and the Netherlands Antilles can only be rightly appraised after the said negotiations have led to a final result and this has been embodied in constitutional provisions ;

2. Invites the Government of the Netherlands to communicate to the Secretary-General in due course the result of these negotiations and the provisions mentioned in the preceding paragraph ;

3. Invites the Committee on Information from Non-Self-Governing Territories to examine these communications in connexion with the information already transmitted and to report thereon to the General Assembly.

DOCUMENT A/C.4/L.300

Brazil, Chile, Colombia, Costa Rica, Ecuador, Panama and Peru : draft resolution

[Original text: English/Spanish]
[2 November 1953]

The General Assembly,

Considering that resolution 222 (III), adopted by the General Assembly on 3 November 1948, while welcoming any development of self-government in Non-Self-Governing Territories, considers that it is essential that the United Nations be informed of any change in the constitutional status of any such territory as a result of which the government responsible for the transmission of information in respect of that territory under Article 73 e of the Charter thinks it unnecessary or inappropriate to continue such a practice,

Having received the communications dated 19 January and 20 March 1953 informing the United Nations of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the Constitution of Puerto Rico, and stating that in consequence of these constitutional changes the Government of the United States would cease to transmit information under Article 73 e of the Charter,

Having studied the report (A/2465, part one, section VII) prepared by the Committee on Information from Non-Self-Governing Territories, during its session of 1953, on the question of the cessation of the transmission of information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (V),

Having examined the communications of the Government of the United States in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes an additional link in continental solidarity,

1. Takes note favourably of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution (A/2465, part one, para. 67);

2. Recognizes that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and

democratic way, have achieved a new constitutional status;

3. Expresses the opinion that it stems from the documentation provided that the association of the Commonwealth of Puerto Rico with the United States of America has been established as a mutually agreed association;

4. Recognizes that when choosing their constitutional and international status the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;

5. Recognizes that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as an autonomous political entity;

6. Considers that, due to these circumstances, 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 the Commonwealth of Puerto Rico;

7. Takes note of the opinion of the Government of the United States of America as to the cessation of the transmission of information on Puerto Rico under Article 73 e of the Charter;

8. Considers it appropriate that this information should cease;

9. Expresses its assurance that, in accordance with the spirit of this resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the Parties to the mutually agreed association may desire any change in the terms of this association.

NOTE

The report of the Fourth Committee (A/2556 and Corr.1), which covers items 32, 33 and 34 of the agenda, will be found in the fascicule relating to item 32.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 459th plenary meeting, on 27 November 1953, the General Assembly adopted draft resolutions VI and VII submitted by the Fourth Committee (pp. 16 to 17 of the fascicule relating to item 32). For the final texts, see resolutions 747 (VIII) and 748 (VIII) respectively.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/1273	Summary of information transmitted by the Government of the Netherlands		Reproduced basically in <i>Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1950</i> , vol. II (ST/TRI/SER.A/5/Add.1)
A/2414/Add.2	Summary of information transmitted by the Government of the United States of America		Reproduced basically in <i>Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1953</i> , vol. II (ST/TRI/SER.A/8/Add.1)
A/2428	Report of the <i>Ad Hoc</i> Committee on Factors (Non-Self-Governing Territories)		<i>Official Records of the General Assembly, Eighth Session, Annexes</i> , agenda item 33
A/2465	Report of the Committee on Information from Non-Self-Governing Territories		<i>Ibid.</i> , Supplement No. 15
A/2556 and Corr.1	Report of the Fourth Committee		<i>Ibid.</i> , Annexes, agenda item 32
A/AC.35/L.121	Communication from the Government of the United States of America concerning Puerto Rico		Mimeographed document only
A/AC.35/SR.45	Committee on Information from Non-Self-Governing Territories: summary record of the 45th meeting		Ditto
A/AC.35/SR.46	Committee on Information from Non-Self-Governing Territories: summary record of the 46th meeting		Ditto
A/AC.35/SR.47	Committee on Information from Non-Self-Governing Territories: summary record of the 47th meeting		Ditto
A/AC.35/SR.48	Committee on Information from Non-Self-Governing Territories: summary record of the 48th meeting		Ditto
A/AC.35/SR.49	Committee on Information from Non-Self-Governing Territories: summary record of the 49th meeting		Ditto
A/AC.67/3	Communication from the Government of the Netherlands in respect of the Netherlands Antilles and Surinam		Ditto
A/C.4/200	Cessation of the transmission of information under Article 73 e of the Charter: communication from the Government of the Netherlands in respect of Surinam and the Netherlands Antilles		Ditto
A/C.4/236	Letter dated 6 August 1953 from Mr. Gilberto Concepción de Gracia, President of the Puerto Rican Independence Party, to the Secretary-General of the United Nations		Ditto
A/C.4/237	Note by the Secretariat		Ditto
A/C.4/239	Letter dated 29 September 1953 from Mr. Julio Pinto Gandia, delegate of the Nationalist Party of Puerto Rico in the United States of America, to the Chairman of the Fourth Committee		Ditto
A/C.4/L.278 and Add.1	Draft report of the Fourth Committee		For this text, as amended at at the 356th meeting of the Fourth Committee, see A/2556 and Corr.1
A/C.4/L.270	Draft resolution adopted by the Fourth Committee at its 330th meeting, on 9 October 1953		A/2556 and Corr.1, draft resolution I
A/C.4/L.292	Sweden: draft resolution	1	
A/C.4/L.293	Indonesia: amendment to the draft resolution submitted by Sweden (A/C.4/L.292)		A/2556 and Corr.1, para. 47
A/C.4/L.294	Union of Soviet Socialist Republics: amendment to the draft resolution submitted by Sweden (A/C.4/L.292)		<i>Ibid.</i> , para. 48
A/C.4/L.295	Argentina, Brazil, Chile, Egypt, Guatemala, Honduras, Mexico and Uruguay: amendments to the draft resolution submitted by Sweden (A/C.4/L.292)		<i>Ibid.</i> , para. 40
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A/C.4/L.298	Draft resolution adopted by the Fourth Committee at its 347th meeting on 29 October 1953		<i>Ibid.</i> , draft resolution VI
A/C.4/L.299 and Add.1	Texts of United States Public Laws 600, of the 81st Congress, and 447, of the 82nd Congress		Mimeographed document only
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A/C.4/L.303	Draft resolution adopted by the Fourth Committee at its 355th meeting on 5 November 1953	<i>Ibid.</i> , draft resolution VII
A/C.6/L.313	Text of the draft resolution adopted by the Sixth Committee at its 380th meeting	<i>Official Records of the General Assembly, Eighth Session, Annexes</i> , agenda items 58, 70 and 72, document A/2559, para. 38
A/RESOLUTION/150	Resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953	<i>Ibid.</i> , <i>Supplement No. 17</i> , resolution 747 (VIII)
A/RESOLUTION/151	Resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953	<i>Ibid.</i> , resolution 748 (VIII)
ST/TRI/SER.A/ 5/Add.1	<i>Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1950</i>	United Nations Publications, Sales No.: 1951.VI.B.1, vol. II



Agenda item 35 : Election of two members of the Committee on Information from Non-Self-Governing Territories

Note. For the report of the Fourth Committee on this item, see document A/2556/Add.1, which is reproduced in the fascicule relating to agenda item 32.

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DOCUMENT A/2261

Report of the *Ad Hoc* Committee on South West Africa to the General Assembly

[Original text: English]

[21 November 1952]

I. GENERAL

1. The General Assembly, at its 362nd plenary meeting on 19 January 1952, adopted resolution 570 (VI) on the question of South West Africa whereby it reconstituted the *Ad Hoc* Committee on South West Africa consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, which was to "confer with the Government of the Union of South Africa concerning means of implementing the advisory opinion¹ of the International Court of Justice". The Committee was further authorized, "as an interim measure, and pending the completion of the negotiations with the Government of the Union of South Africa, and as far as possible in accordance with the procedure of the former Mandates System, to examine reports on the administration of the Territory of South West Africa as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General".

2. The Secretary-General, by letters dated 6 March 1952, invited the Governments of the States named in the resolution to designate representatives to the *Ad Hoc* Committee on South West Africa. The following representatives were appointed:

Norway: Mr. Jacob S. Worm-Muller (representative), Mr. Hans Engen (alternate);

Syria: Mr. Farid Zeineddine (representative), Mr. Najmuddin Rifai (alternate);

Thailand: Prince Wan Waithayakon (representative); Mom Chao Dilokrit Kridakon (representative); Mr. Thanat Khoman (representative);

United States of America: Mr. Benjamin Gerig (representative);

Uruguay: Mr. Enrique Rodríguez Fabregat (representative), Mr. Francisco A. Forteza (alternate).

3. At its 19th meeting, on 26 March 1952, the *Ad Hoc* Committee elected Prince Wan Waithayakon (Thailand) as Chairman. At its 20th meeting, on 23 April, the Committee was informed of the resignation of Prince Wan Waithayakon from the chairmanship and elected Mom Chao Dilokrit Kridakon (Thailand) as Chairman. At its 24th meeting, on 30 September, the Committee was informed of the resignation of Mr. Kridakon from the chairmanship and elected Mr. Thanat Khoman (Thailand) as Chairman.

4. Since the adoption by the General Assembly of resolution 570 (VI) which reconstituted the *Ad Hoc* Committee on South West Africa, the Committee has held sixteen meetings. All but the first three of these were held in private. The Committee's decision to hold private meetings was prompted by the same considerations which had prevailed during its first year of existence, namely, that in negotiations with the Union of South Africa, its task would be facilitated by hold-

¹ See *International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950*, p. 128.

ing private meetings. In addition to these public and private meetings, the Committee held three informal meetings on 2/ May, 2 June and 13 October 1952. The representative of the Union of South Africa attended meetings of the Committee held on 10 and 18 September, 1 and 29 October, and 6 November 1952. At its 34th and last meeting, on 18 November the Committee decided not to release the summary records before 25 November 1952.

5. At the request of the Committee, and in conformity with General Assembly resolution 570 (VI), the Chairman, by a letter dated 26 March 1952, informed the Government of the Union of South Africa that the *Ad Hoc* Committee was prepared to continue to confer with it concerning means of implementing the advisory opinion of the International Court of Justice and invited the Government of the Union of South Africa to designate a representative to confer with the Committee. Furthermore, the Committee expressed its earnest hope that through full discussion and negotiation with the Union of South Africa satisfactory and positive results might be attained.

6. At its 20th meeting, on 25 April 1952, the Committee was informed by a letter dated 9 April addressed to the Chairman of the Committee from the deputy permanent representative of the Union of South Africa to the United Nations that the considered reply of the Union Government to the Committee's invitation to appoint a representative would be communicated in due course.

7. At the request of the deputy permanent representative of the Union of South Africa the Committee met informally on 27 May and 2 June 1952. The deputy permanent representative of the Union of South Africa, before initiating discussion and negotiations with the Committee, wished to ascertain whether the present *Ad Hoc* Committee on South West Africa felt itself bound by the same terms of reference as the previous Committee, or whether it would be prepared to consider any reasonable proposals for a solution of the problem of South West Africa which might be put forward by the Government of the Union of South Africa. To the informal inquiry of the representative of the Union of South Africa, the Committee decided to reply informally to the effect that, in its view, its own terms of reference were such as to allow it to discuss any reasonable proposal concerning South West Africa. On 3 June, the Committee's informal reply was communicated orally to the representative of the Union of South Africa.

8. By a letter dated 5 September 1952, the deputy permanent representative of the Union of South Africa informed the Chairman of the Committee that the Government of the Union of South Africa had designated H.E. Mr. J. P. Jooste, Ambassador Extraordinary and Plenipotentiary of the Union of South Africa to the United States and permanent representative of the Union of South Africa to the United Nations, and Mr. J. R. Jordaan, deputy permanent representative of the Union of South Africa to the United Nations, as their representatives to confer with the Committee on the question of South West Africa. By a further letter, dated 10 September, Mr. M. I. Botha and Mr. C. Norton were designated as assistants to the South African delegation.

9. At its 34th meeting, on 18 November, the Committee adopted its report to the General Assembly and decided to release the report on 25 November 1952.

II. ACTIVITIES OF THE *Ad Hoc* COMMITTEE WITH REGARD TO PARAGRAPH 5 OF GENERAL ASSEMBLY RESOLUTION 570 (VI)

10. At the 21st meeting, on 10 September 1952, the representative of the Union of South Africa attributed the failure of the negotiations undertaken in 1951 concerning South West Africa largely to the Committee's restrictive interpretation of its terms of reference. He suggested that the not inconsiderable common ground which, in his view, had been found during the negotiations in 1951 could serve as a basis for further fruitful discussion and negotiation. He maintained that the Union of South Africa, in a spirit of compromise, had already made a number of concessions, and he expressed the hope that the Committee, with its wider terms of reference, would now find it possible to meet the point of view of the Union of South Africa in what the latter regarded as essential requirements.

11. At the Committee's request, the representative of the Union of South Africa, at the 23rd meeting, on 18 September, elaborated what, in his view, was the common ground found in 1951. He prefaced his statement by reaffirming that his Government, despite the opinion of the International Court of Justice, still maintained that the Mandate for South West Africa had lapsed with the demise of the League of Nations, and that consequently South Africa, again despite the opinion of the International Court of Justice, no longer had any international responsibility with regard to its administration of South West Africa. He recalled that, in deference to the wishes of the United Nations on the one hand, and having regard to the opinion of the International Court of Justice on the other, the Union of South Africa was prepared to revive the "sacred trust" which was the essence of the Mandate, and was further prepared to revive its international responsibility for that trust by accepting the compulsory jurisdiction of the International Court of Justice with regard to the administration of South West Africa. To that end, the Union of South Africa had suggested that a new instrument should be concluded and had proposed the three remaining Principal Allied and Associated Powers—namely, France, the United Kingdom and the United States of America—as the other party to the instrument. Finally, the Union of South Africa had agreed that the proposed instrument should be concluded under the aegis of the United Nations.

12. In resubmitting to the Committee the proposal made by his Government in 1951 as a basis for further consideration, the representative of the Union of South Africa observed that the Union of South Africa had been prepared to revive the basic principles of the Mandate, with the sole exception of reporting, and contended that agreement between the Union of South Africa and the Committee had been reached in principle with regard to the revival of the clauses of the Mandate dealing with the "sacred trust". Moreover, the Union of South Africa had agreed on the major part of the fundamental principles which the Committee regarded as essential (A/1901, paragraph 19),² the only exception being on the matter of the handling of annual reports and petitions. The representative of the Union of South Africa informed the Committee that, if the negotiations on the proposals made by the Union of South Africa in 1951 progressed satisfactorily,

² See *Official Records of the General Assembly, Sixth Session, Annexes, agenda item 38, page 4.*

his Government would be prepared to go somewhat further than the position it had taken in 1951 on the one outstanding point of difference; namely, that the Union of South Africa would make available information on its administration of South West Africa to those with whom a new instrument would be concluded. As a preliminary to the negotiations, the representative of the Union of South Africa requested the Committee to express its views on the merits of the proposal submitted by the Union of South Africa in 1951, which were once again before it.

13. The representative of the Union of South Africa explained the motives which had induced his Government to select France, the United Kingdom and the United States of America as the Powers with which the new international instrument should be negotiated and concluded. The suggestion originated from his Government's desire to find a way out of the stalemate in which it and the United Nations had found themselves on the question of South West Africa. The three above-mentioned Powers were the only remaining Powers of those which had originally conferred the original Mandate on the Union of South Africa and which were Members of the United Nations. They were also great Powers, were permanent members of the Security Council, and had a recognized position in international affairs; their selection should be an assurance to the world of the effective implementation of the sacred trust placed in the hands of the Union of South Africa. It should further be noted that the three Powers with which the new instrument would be negotiated would act as principals and not as agents, and that the obligations which the Union of South Africa would assume towards them would not derive either from the original Mandate or from their former status of Principal Allied and Associated Powers of the First World War, but from the new instrument and it alone. In suggesting the three Powers concerned as the second party to the proposed instrument, there was no intention on the part of the Union of South Africa to by-pass the United Nations; before negotiations between the Union of South Africa and the three Powers would be opened, the general principles of the instrument would have to be approved by that Organization. If the United Nations found the principles of the proposed agreement acceptable, it would ascertain whether the three Powers in question were prepared to act as the second party. If they were, the Government of the Union of South Africa would negotiate the new instrument with them. Before it could come into force, the United Nations would have to approve it. The United Nations would thus have a double opportunity of examining the instrument.

14. The Committee took note of the proposal mentioned in paragraphs 11 and 12 above and, at its 25th meeting on 1 October 1952, informed the representative of the Union of South Africa orally that, in its opinion, the proposal laid before it was very similar to that which it had discussed in 1951. At the same time, it noted that the representative of the Union of South Africa had held out the possibility that further negotiations might bring about certain changes in the position of the Union Government. As regards the proposal of the Union of South Africa, the Committee's position was generally identical with that adopted in 1951, as outlined in paragraph 19 of its report to the General Assembly. It was the Committee's opinion that it could not accept any proposal which did not

give adequate effect to the principle of international accountability by the Government of the Union of South Africa for its administration of South West Africa. Wishing, however, to explore the matter further, the Committee, as a first step, inquired whether the Government of the Union of South Africa would be willing to make information on the Territory available annually, and whether such information would be as complete as that furnished to the League of Nations. In addition, the Committee inquired whether the Union Government was prepared to recognize the principle of international supervision under a procedure as nearly as possible analogous to that which had existed under the League of Nations.

15. The representative of the Union of South Africa reiterated his earlier request to the Committee to state its position on the principles contained in the proposal which he had already submitted. He pointed out that, although those principles were in essence the same as those which were before it in 1951, the Committee, owing to the restrictive interpretation given to its terms of reference had been unable, in 1951, to consider them on their merits. He further contended that the Committee's terms of reference in 1952 were somewhat more elastic and observed that the Committee itself had indicated its willingness to consider reasonable proposals. In this connexion he pointed out that, in his view, under the resolution adopted by the General Assembly at its sixth session, the Committee was not bound to apply the opinion of the International Court of Justice in every detail and that a certain amount of "give and take" was therefore possible. He maintained that, if the opinion of the International Court of Justice were to be implemented in full there would be no room for negotiations, since the Government of the Union of South Africa could not undertake anything which would meet that opinion *in toto*. It was the view of his Government that to reach agreement on the important problem of South West Africa, each side must make concessions in order to meet the essential requirements of the other side. He emphasized that the Government of the Union of South Africa had reduced its own essential requirements to the very minimum.

16. As regards the specific questions put to him by the Committee (paragraph 14), the representative of the Union of South Africa stated that it was his Government's intention to supply information concerning South West Africa annually to the three Powers concerned, adding that the information would be as complete as that furnished to the League of Nations on the basis of the Permanent Mandates Commission questionnaire. Furthermore, the Government of the Union of South Africa contemplated giving account to the second party of the proposed instrument, namely, the three Powers concerned, provided that the underlying principles of the new instrument were approved by the United Nations, that the three Powers themselves were prepared to act as the second party, and that the instrument would be approved by the United Nations. He was unable to give, at that stage, any further elucidation concerning the principle of international supervision. The attitude of the Union of South Africa on the matter would depend on the progress of negotiations on all the other points. In his view, that was a point which should be discussed only after the Committee had expressed its views on the merits of the South African proposal, and after a decision had been reached as to

whether a new instrument was to be concluded and whether the three suggested Powers were acceptable to the Committee as the second party to the instrument. In order to facilitate agreement, the Government of the Union of South Africa had made considerable concessions and had indicated its readiness, under certain conditions, to make further proposals.

17. At its 27th meeting, on 20 October 1952, the Committee authorized its Chairman to request the representative of the Union of South Africa to submit in writing his proposal for the solution of the South West African question. It was the view of the Committee that such a proposal should be complete and should cover all the aspects of the problem of South West Africa, including the handling of reports and petitions. In the opinion of the Committee, such a proposal would better enable it to state its own views regarding the conclusion of an agreement as well as other aspects of the problem. The Chairman's letter to the representative of the Union of South Africa was transmitted the same day.

18. On 23 October, the representative of the Union of South Africa replied to the communication referred to in the preceding paragraph. He pointed out that the proposals of his Government had already been fully outlined to the Committee, and observed that it would be regrettable and not conducive to an early solution of the South West Africa problem if negotiations were to be continued by an exchange of written statements. He added that if recourse were made to that type of negotiation, it would not have been necessary for the Governments represented on the Committee and for the Government of the Union of South Africa to appoint delegations to confer with one another, since a written exchange of views between governments would have served the same purpose. He expressed his readiness to give to the Committee any further explanation of the South African proposal. At the same time, he again asked the Committee to indicate whether or not that proposal was acceptable. If the proposal were not acceptable in its present form, the Committee should state the reasons why, and in what respects it should be modified in order to render it acceptable, taking into account the wishes of the United Nations on the one hand and the essential requirements of the Union of South Africa on the other hand.

19. At its 28th meeting, on 27 October, the Committee examined the reply of the representative of the Union of South Africa to its communication of 20 October (paragraph 17), and authorized its Chairman to communicate the Committee's views on the South African proposal concerning South West Africa to the representative of the Union of South Africa.

20. At its 29th meeting, on 29 October, the Chairman informed the representative of the Union of South Africa orally that the Committee had taken note of the South African proposal (paragraphs 11 and 12) and was appreciative of the efforts made by the Government of the Union of South Africa. The Committee had further noted that the Union Government had amplified, to some degree, the proposal submitted to it in 1951. The Chairman stated that, with regard to the request of the representative of the Union of South Africa that he be informed of the Committee's attitude to the South African proposal, the Committee had four observations to make:

(i) The Committee stated that, under its terms of reference requesting it "to continue to confer with the

Government of the Union of South Africa concerning means of implementing the advisory opinion of the International Court of Justice", it could not accept, as a basis for detailed discussions, any proposal which did not recognize the principle of supervision of the administration of the Territory of South West Africa by the United Nations, as envisaged in the advisory opinion of the International Court, particularly on question (a). In this connexion, the Committee recalled the advisory opinion of the International Court that this supervision should be to a degree and by a procedure conforming as far as possible to those existing under the Mandates System of the League of Nations.

(ii) The Committee, subject to the principles stated in the first observation, agreed with the representative of the Union of South Africa that the "sacred trust" provisions of the Mandate, suitably modified, could be embodied in an agreement.

(iii) The Committee was unable to reconcile the proposal of the Union Government to negotiate a new agreement with the three remaining Principal Allied and Associated Powers with the principle stated in the first observation. In addition, the Committee found obscure the legal grounds on which powers could be delegated to the remaining Principal Allied and Associated Powers for the negotiation of such an agreement, particularly in view of the statement of the representative of the Union of South Africa that the Union Government did not recognize any special obligation either to the remaining Principal Allied and Associated Powers or to the former members of the League of Nations.

(iv) The Committee finally stated that, in its opinion, negotiations for an agreement could only be undertaken by the United Nations through an agency appointed by and responsible to the United Nations.

21. At its 29th and 30th meetings, on 29 October and 6 November 1952 respectively, the Committee further elucidated its observations contained in paragraph 20 above to the representative of the Union of South Africa and the latter made certain remarks on the above-mentioned observations. The representative of the Union of South Africa noted that, in the last sentence of sub-paragraph (i) of the Committee's observations, which reads: "In this connexion, the Committee recalled the advisory opinion of the International Court that this supervision should be to a degree and by a procedure conforming as far as possible to those existing under the Mandates System of the League of Nations", the Committee had given an incorrect rendering of the advisory opinion of the International Court of Justice. The Court, he stated, had never said that the degree of supervision to be exercised by the General Assembly should conform as far as possible to that prevailing under the Mandates System, as the Committee was now asserting, but merely that the degree of supervision should not exceed that existing under the Mandates System. Since, in his view, the Committee had based its observations on an incorrect premise, he wondered whether it still maintained the view that, under its terms of reference, it was unable to accept a proposal which did not provide for the same degree of supervision. On this particular point the Chairman stated that the Committee felt that it had not given an incorrect version of the Court's opinion; it had merely attempted to summarize it, and, in any case, it had never intended to deviate from the opinion

of the International Court of Justice, nor could it have done so under its terms of reference. That opinion stated, *inter alia*: ". . . The degree of supervision to be exercised by the General Assembly should not . . . exceed that which applied under the Mandates System, and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations." It was precisely on that opinion, the Chairman added, that the Committee had based its observations.

In the course of the exchange of views between the Committee and the representative of the Union of South Africa on the Committee's observations, the possibility was envisaged that the Committee might address questions to the representative of the Union of South Africa. At the same time, in order not to delay further the Committee's report to the General Assembly until the answers of the Government of the Union of South Africa to any questions submitted had been received, it was suggested that an interim report should be submitted to the General Assembly recording the negotiations to date and stating that any questions eventually submitted by the Committee to the Government of the Union of South Africa might be answered by the representative of the Union of South Africa in the Fourth Committee. At its 30th meeting, on 6 November 1952, however, the Committee, having reconsidered whether or not any questions should be addressed to the Government of the Union of South Africa, came to the conclusion that it did not wish to put any further questions at that stage, and that the Committee should submit its report to the General Assembly giving a full account of the negotiations that had taken place with the Government of the Union of South Africa.

22. As at the date of the present report, 18 November 1952, consultations between the Committee and the representative of the Government of the Union of South Africa have been inconclusive and have not brought about an agreement concerning means of implementing the advisory opinion of the International Court of Justice, as required by the resolution of the General Assembly. The consultations, however, have revealed, on the one hand, that there was agreement on several points between the Committee and the representative of the Union of South Africa, and that, on the other hand, the gulf which in 1951 had divided the two parties concerned had not been bridged in 1952 and that the same fundamental divergences which precluded an agreement in 1951 still remain unresolved.

23. Agreement in principle between the Committee and the representative of the Union of South Africa was reached on the following points:

- (i) That a new instrument, replacing the former Mandate for South West Africa, should be concluded;
- (ii) That the new instrument should revive the "sacred trust" contained in articles 2 to 5 of the Mandate, with minor modifications necessitated by the changed circumstances but which would not affect in any way the principle of the "sacred trust";
- (iii) That, under certain conditions, the Government of the Union of South Africa would make available information on its administration of South West Africa;
- (iv) That such information would be as full as that once supplied by the Government of the Union of South Africa under the Mandates System; and

(v) That there should be some form of supervision, on the administration of South West Africa by the Union of South Africa.

24. The points of difference between the Committee and the representative of the Union of South Africa were the following:

(i) There was fundamental disagreement on how supervision of the administration of South West Africa by the Government of the Union of South Africa should be carried out. The Committee was of the opinion that such supervision, even though it should not go beyond that which applied under the Mandates System, should be exercised by the United Nations. It considered that the form of judicial supervision by the International Court of Justice, which the Government of the Union of South Africa was prepared to accept, failed to meet the requirements laid down in the opinion of the Court which had been accepted by the General Assembly. On the other hand, the representative of the Government of the Union of South Africa was of the opinion that, from a practical point of view, supervision exercised by the United Nations would be for the Union of South Africa more onerous than that existing under the Mandates System. Before submitting its proposal, the Government of the Union of South Africa had examined the question of supervision in all its aspects, and had come to the conclusion that any obligation it would assume, which would carry with it supervision by the United Nations, would go beyond the obligations undertaken under the Mandates System. This point of difference remains unresolved.

(ii) The Committee and the representative of the Government of the Union of South Africa did not agree on the identity of the second party to the agreement. The representative of the Government of the Union of South Africa stated unequivocally that his Government did not contemplate concluding an agreement on South West Africa directly with the United Nations, although the agreement which it was prepared to negotiate and conclude with France, the United Kingdom and the United States of America would have to be approved by the United Nations. Moreover, the Union of South Africa would be responsible only to the second party to the agreement and would supply information concerning South West Africa only to that party. The Committee considered that the agreement should be concluded either with the United Nations or with an agency appointed by and responsible to the United Nations.

25. The Committee regrets that agreement has not yet been reached on these points of difference, and holds itself ready to make further efforts during the present session should the General Assembly request it to do so.

26. The representative of Uruguay stated that, since he could not endorse some of the points mentioned in the report, he reserved his Government's right to refer to these divergencies in the General Assembly. He further observed that the summary records of the Committee's meetings reflected some of these differences, but not so as to clarify them fully.

III. ACTIVITIES OF THE *Ad Hoc* COMMITTEE WITH REGARD TO PARAGRAPH 6 OF GENERAL ASSEMBLY RESOLUTION 570 (VI)

27. In the course of its 19th, 20th and 31st meetings on 26 March, 25 April and 7 November 1952 respectively, the Committee considered its respon-

sibilities arising out of paragraph 6 of General Assembly resolution 570 (VI).

28. The General Assembly had authorized the Committee to examine reports on the administration of the Territory of South West Africa, but the Committee was unable to comply with the General Assembly's instructions because no such report was submitted by the Government of the Union of South Africa.

A. Communications received in 1951

29. With regard to the authorization given by the General Assembly to examine petitions and any other matters relating to the Territory that might be transmitted to the Secretary-General, the Committee recalls the fact that, in 1951, it had received and examined ten communications relating to South West Africa. In accordance with General Assembly resolution 449 (V), of 13 December 1950 the Committee decided to accept these communications as petitions and to transmit them to the Government of the Union of South Africa for comment. It should be noted in this connexion that all the above-mentioned ten petitions came from individuals, groups or associations from outside the Territory of South West Africa.

30. By a letter dated 8 April 1952, the deputy permanent representative of the Union of South Africa to the United Nations informed the Chairman of the Committee that ". . . the Union Government do not consider that they can take official cognizance of these communications as petitions or indeed offer comment or consider them in any way as long as no basic agreement has been reached on the larger questions arising from the recommendations of the General Assembly on the South West African question. The Government of the Union of South Africa feel convinced that the Committee will readily appreciate that the 'petitions' aspect cannot be considered in isolation as a separate issue. . .".

31. By a letter dated 25 April 1952, the Chairman of the Committee informed the deputy permanent representative of the Union of South Africa that the Committee had taken note of his letter dated 8 April 1952 and had decided to reserve its position concerning the views which had been expressed by the Government of the Union of South Africa.

32. With regard to these petitions, the Committee felt that non-co-operation on the part of the Government of the Union of South Africa would not prevent the Committee from examining them. The Committee, in the light of the political aspects involved, decided that it was for the General Assembly to recommend any practical steps which could be taken.

B. Communications received in 1952 from sources outside the Territory of South West Africa

33. In 1952, the Committee received and examined six communications relating to South West Africa. The communications were:

(i) A communication dated 6 March 1952 from the Reverend Michael Scott to the Chairman of the *Ad Hoc* Committee, together with a petition from the Convention People's Party of the Gold Coast;

(ii) A communication dated 17 September 1952 from the Reverend Michael Scott to the Chairman of the *Ad Hoc* Committee, together with a memorandum on the subject of South West Africa;

(iii) A communication dated 20 October 1952 from the Reverend Michael Scott to the Secretary-General, together with a memorandum on the subject of South West Africa;

(iv) A communication dated 23 October 1952 from Lord Hemingford, Chairman of the Africa Bureau, London, to the Chairman of the *Ad Hoc* Committee, together with a report published by the South African Institute of Race Relations on the welfare of the indigenous inhabitants of South West Africa;

(v) Communications dated 26 and 29 October 1952 from the Reverend Michael Scott to the Chairman of the Fourth Committee on the subject of legislation enacted in South Africa in connexion with its policy of *apartheid*, together with a statement by the Dutch Reformed Federated and Mission Churches of South Africa in connexion with the Native question; and

(vi) A communication dated 5 November 1952 from the Reverend Michael Scott to the Chairman of the Committee, together with seven documents relating to South West Africa and the South African policy of *apartheid*.

34. In the case of each of these six communications, the Committee decided:

(a) To accept the communications, as far as they relate to the Territory of South West Africa as petitions;

(b) In accordance with the procedure of the former Mandates System, to transmit the petitions to the Government of the Union of South Africa for comment; and

(c) To include the petitions in the report to the General Assembly (see appendices I, II, III, IV, V and VI).

35. By a letter dated 20 April 1952, the Committee transmitted the first of the six communications listed in paragraph 33 above to the Government of the Union of South Africa for comment. By a letter dated 9 June 1952, the deputy permanent representative of the Union of South Africa informed the Chairman of the Committee that ". . . as in the case of similar communications transmitted in the past, the Union Government do not consider that they can take official cognizance of the communication from the Convention People's Party as a 'petition' or offer comment on it or consider it in any way as long as no basic agreement has been reached on the larger questions arising from the recommendations of the General Assembly on the question of South West Africa."

36. By a letter dated 19 November 1952, the Committee transmitted the remaining five petitions listed in paragraph 33 to the Government of the Union of South Africa for comment.

37. In addition to the petitions listed in paragraph 33, the Committee received a further communication which, however, was anonymous. In accordance with the procedure of the former Mandates System, anonymous communications or petitions were regarded as inadmissible.

C. Communications received in 1952 from sources within the Territory of South West Africa

38. In 1952, the Committee received and examined three communications relating to South West Africa from the Territory itself. They were:

(i) Two communications, dated 7 February and 7 March 1952 respectively, from Chief Hosea Kutako addressed to the Secretary-General;

(ii) A communication, undated, from Messrs. Beukes, Diegaard and van Wyk addressed to the Chairman of the *Ad Hoc* Committee.

39. At its twentieth meeting on 25 April 1952, the Committee agreed to defer a final decision concerning the three communications referred to in the preceding paragraph until the Government of the Union of South Africa had made its position clear. It further decided that, in the meantime, it should acknowledge receipt of the two communications addressed to the Committee by Chief Hosea Kutako and of the communication signed jointly by Messrs. Beukes, Diegaard and van Wyk, informing them at the same time that their communications were being considered by the Committee.

40. The Committee reconsidered the above-mentioned communications at its thirty-first meeting on 7 November 1952. The Committee realized on the one hand that, in accordance with the procedure of the Permanent Mandates Commission, petitions sent through any channel other than the Mandatory Power were returned to the signatories with the request that they should re-submit them in accordance with established procedure. On the other hand, the Committee being aware of the attitude of the Government of the Union of South Africa, expressed in the letters dated 8 and 25 April 1952 (see paragraphs 30 and 31 above), decided to transmit these communications to the General Assembly (see appendices VII and VIII) and also to the Government of the Union of South Africa. By a letter dated 19 November 1952, the Committee transmitted the communications listed in paragraph 38 to the Government of the Union of South Africa.
18 November 1952

Appendices

Appendix I

LETTER DATED 6 MARCH 1952, FROM THE REVEREND MICHAEL SCOTT, ADDRESSED TO THE CHAIRMAN OF THE
Ad Hoc COMMITTEE ON SOUTH WEST AFRICA, TRANSMITTING A PETITION FROM THE CONVENTION
PEOPLE'S PARTY OF THE GOLD COAST

32 Tavistock Square
London, W.C. 1.
6 March 1952

I have received from the Convention People's Party of the Gold Coast a petition signed by the Prime Minister, Dr. Kwame Nkrumah, and seven others, together with a covering letter expressing support. They requested that this should be forwarded to the *Ad Hoc* Committee on South West Africa and I therefore enclose it herewith.

It would be much appreciated if you would convey this petition to the members of the Committee when it meets.

(Signed) Michael Scott

PETITION

We, the undersigned Africans, desire to express, through the procedure provided by the General Assembly in appointing an *Ad Hoc* Committee on South West Africa, our increasing apprehension at the defiance by the Union of South Africa of the United Nations Charter and the five resolutions of the General Assembly on the subject of the future of the Mandated Territory of South West Africa and its inhabitants.

The attention of the civilized world should be called to the policies which are being enacted by the South African State and to the fact that, according to the advice of the International Court of Justice, this Territory was and is "a sacred trust of civilization". The destiny of its inhabitants is a matter of vital concern for all Africans: in expressing our apprehension we wish to call upon the United Nations to prevent the incorporation of this or any other African territories,

such as the Protectorates of Basutoland, Bechuanaland and Swaziland, into the Union of South Africa, and to establish once and for all the right of international supervision for South West Africa, and the right of the inhabitants and others interested in their welfare, to petition the United Nations.

The expansionist policy of the Union is arousing all Africa to the dangers of racial domination, and we wish to emphasize the importance of United Nations responsibility in deciding the fate of these and other African people. It is very much to be hoped that effective steps—by means if necessary of sanctions—will be taken at the forthcoming General Assembly to implement the decision of successive resolutions of the United Nations.

(Signed) Kojo BOTSIO
Former General Secretary

K. A. GHEDEMAH
Former National Vice-Chairman,
National Executive Member

N. A. WELBECK
National Propaganda Secretary

Nee Boi DOKU
Assistant National Propaganda Secretary

Kofi BAAKO
Organizing Secretary,
Information Bureau Chairman

E. C. TURKSON-OCRAN
Secretary to CPP Assemblyman

K. A. AFRIYIE
Acting General Secretary

Kwame NKUMAH
Life Chairman, Convention People's Party
of the Gold Coast

Appendix II

LETTER DATED 17 SEPTEMBER 1952, FROM THE REVEREND MICHAEL SCOTT, ADDRESSED TO THE CHAIRMAN OF THE *Ad Hoc* COMMITTEE ON SOUTH WEST AFRICA, TRANSMITTING A MEMORANDUM ON THE SUBJECT OF SOUTH WEST AFRICA

The Africa Bureau
69 Great Peter Street
London, S.W.1
17 September 1952

I am enclosing a memorandum on the subject of South West Africa which I should be glad if you would convey to members of the Fourth Committee.

I should like also, if I may, to call your attention to the fact that I applied to the United States Embassy in London on 30 July for a visa to attend the coming session of the United Nations in New York, but that I have not yet received a visa. I am an accredited representative of the International League for the Rights of Man, which enjoys category B consultative status with the United Nations, and Mr. Hogan of the Non-Governmental Organizations Section has informed me that he has intimated this officially to the United States Mission to the United Nations in connexion with my application for a visa.

I should be grateful for anything you may be able to do to assist me to attend the forthcoming session in New York at which the question of South West Africa will be of special interest to me.

(Signed) Michael SCOTT

MEMORANDUM

SOUTH WEST AFRICA, SOUTH AFRICA AND THE UNITED NATIONS, 1952

In the next few months, this matter is due to come before the General Assembly for the seventh year in succession. It has become charged with all the greater importance on account of the internal disorder in the Union which is affecting race relations in other parts of Africa. As you will recall, the South African Government has ignored the advisory opinion of the International Court of Justice, has declined to recognize the jurisdiction of the United Nations and has refused to submit reports and petitions to the *Ad Hoc* Committee on South West Africa which was established by the General Assembly following the advisory opinion of the Court.

Furthermore, when the *Ad Hoc* Committee submitted petitions from a number of public bodies regarding the Territory to the South African Government for its comments the latter replied:

"The Union Government do not consider that they can take official cognisance of these communications as petitions or indeed offer comment or consider them in any way as long as no basic agreement has been reached on the larger questions arising from the recommendations of the General Assembly on the South West Africa question".

The South African Government has passed the South West Africa Act giving representation to the white one-tenth of the population while denying any form of elected representation to the non-European nine-tenths of the population. It has also passed a "High Court of Parliament Act" purporting by a simple majority in Parliament to supersede the authority of the South African Supreme Court on certain constitutional issues which otherwise would require a two-thirds majority. Again there has been publicly expressed the intention of the Prime Minister of the Union to demand the incorporation of other African territories into the Union, namely the British Protectorates of Bechuanaland, Basutoland and Swaziland.

South Africa's mounting crisis

In South Africa itself a civil disobedience movement has arisen in which between two and three thousand "non-European" men and women have gone to gaol, preferring to accept the penalties or unjust laws rather than acquiesce in their injustice and indignity. The South African courts are now resorting to caning and threaten more severe penalties for this non-violent resistance.

Furthermore there have recently been enacted in South Africa a number of increasingly repressive laws such as the Group Areas Act, the Suppression of Communism Act and an act requiring flogging as a penalty for certain offences. There has also been, as mentioned above, a violation of one of the entrenched clauses of the South African Constitution, and the breaking of a solemn pledge given to the coloured people at the time of the Act of Union.

South West Africa not a "domestic" matter, but an international responsibility

It has been suggested by the Secretary of the Anti-Slavery Society of Britain, Mr. C. W. W. Greenidge, that the remaining Principal Allied and Associated Powers who entrusted the Mandate to South Africa should now be asked to exert their initiative and influence with South Africa to secure an honourable settlement of the question. Hitherto the United Kingdom and some other Commonwealth countries have either abstained from voting or by their voting and lobbying at the United Nations have supported South Africa. This is having very serious effects on the prestige of the United Kingdom in the Commonwealth and in the world, and especially amongst the people of Africa and the self-governing Dominions of India, Pakistan and Ceylon. (The Gold Coast Convention People's Party headed by the Prime Minister, Dr. Kwame Nkrumah, has petitioned the United Nations in connexion with South West Africa.)

It is therefore hoped that you will regard the issue of South West Africa at the Assembly's seventh session as one of the first importance, requiring redoubled vigour in dealing with it if the decisions of the United Nations are not to be set at nought there.

The question has clearly become a reproach to those western Powers which created the Mandate of South West Africa as a "sacred trust of civilization". It must be recalled that this Territory's history is, in itself, a chapter in the history of colonial development. It was mainly on account of the treatment which the African inhabitants of this area suffered at the hands of German rule that the principle of international accountability was established under the aegis of the League of Nations Permanent Mandates Commission.

This question, therefore, besides being a test of good faith for the west and for Christendom, threatens to become a stumbling block to the United Nations and to those who have maintained their faith in it as an instrument of world order.

The right of petition was one which the indigenous inhabitants had acquired under the League of Nations Mandate, and is one which the International Court of Justice considers should be continued. As you will remember, when at its last session in Paris the United Nations agreed to grant a hearing to the Herero and other chiefs who had petitioned it in the Fourth Committee, Chief Hosea Kutako was prevented from attending the United Nations and I was requested to appear before the Fourth Committee and made three oral submissions.

In a letter which I subsequently received from Chief Hosea Kutako, he informed me that the government's reasons for refusing him permission to leave the country and attend the United Nations were that "the granting of passport facilities would be a condonation of action taken by the Fourth Com-

mittee of the United Nations which they say they regard as illegal and outside the competence of the Committee".

Invitation to Chief Hosea Kutako

Since then this African chief has been invited to come to England to give an address at St. Paul's Cathedral in London on the subject of his understanding of the Christian Gospel—of how it was brought to his people in Africa and of its present and future tasks amongst his people. A number of other Christian missionary bodies have also expressed a desire to hear him through the Bishop of Chichester, the Dean of Manchester and the Secretary of the Norwich Diocesan Missionary Council. This was conveyed in a letter which I wrote to Chief Hosea on 8 July 1952, enclosing the invitation from the Reverend Canon J. Collins on behalf of the Dean and Chapter of St. Paul's and of Christian Action. The tribe in South West Africa, Hosea informed me, has itself raised the amount necessary for his journey and a trust fund held by the Episcopal Church of America would augment this if necessary.

Attached is a copy of a letter to Dr. Malan appealing to him as a Christian Minister, as well as the Prime Minister of the country, to allow Hosea Kutako and his interpreter to come to Great Britain for the fulfilling of this invitation. The Prime Minister's reply, in which he declines to allow Chief Hosea to come, and declines to rescind the prohibition order against my returning to South Africa, is also attached.

How the United Nations can help South West Africa

The subjects on which attention most urgently requires to be focused are land, health, housing and education. In calling for a just and honourable settlement of the question constitutionally, there should, therefore, also be an appeal for the drawing up of a practical programme whereby the peoples of South West Africa could be assisted by the United Nations through its technical aid programme, its specialized agencies—in particular the World Health Organization, the Food and Agriculture Organization, the fundamental education programme of the United Nations Educational, Scientific and Cultural Organization and the International Bank. Such a practical programme would impress upon the peoples of South Africa the advantages of recognizing the jurisdiction of the United Nations and of the continuance of their mandatory obligations.

At present there are in South West Africa no secondary schools or higher educational facilities of technical training colleges. There are consequently increasing applications from Africans wishing to further their studies elsewhere. The only two Africans from the territory who have matriculated did so, I am informed, through correspondence courses at their own expense.

In the matter of health there is urgent need for the provision of health services in South West Africa. While there are government hospitals at several places outside the Reserves, there are no organized health services within the Native Reserves. Mr. Rheinallt Jones of the South African Institute of Race Relations, commenting on this when he visited South West Africa in 1951, remarked: "Welfare officers and missionaries and traders do what they can for simple ailments and the district surgeon visits once a year or half year if patients are too ill to go to the town. There was no ambulance in any of the Reserves visited by me . . . Headman and other Africans as well as welfare officers plead for the establishment of at least one in-clinic in each Reserve, with, if possible, accommodation for emergency cases. . . ." (S.A. Institute of Race Relations 81A/51.14 Nov. 51).

As regards housing, the deplorable condition of agricultural labourers has been the subject of strong criticism by the government-appointed Native Labour Commission as well as by the Africans themselves. Writing of conditions in the Non-European Location at Windhoek, a local Minister, the Reverend J. L. B. Taylor, stated in the *Windhoek Advertiser* of 25 April 1952:

"My work as a minister of religion takes me to all parts of this great territory, and not a little of my time is spent in the Windhoek Location. I have been associated with non-

European affairs in large cities and in small towns, but in my experience I have never seen such utterly deplorable living conditions as those which exist in our Location.

"To expect men, women and children to live in such filth and squalor, with no sanitation or water laid on, is not only to call forth racial hatred, but is a first step towards a degeneration in local health. We employ the non-European for a mere pittance, keep him suppressed as much as possible, and yet we expect a spirit of mutual harmony and concord to prevail and cannot understand why there are threatened riots and strikes. Does the fault lie with our municipality or with us? Has the lethargy and apathy so prevalent in most South West citizens warped and twisted their thinking?"

"For twenty-five years there has been talk about a new Location with proper housing schemes. Have these dire necessities been sacrificed for the sake of the estimated contribution of £25,000 to the Van Riebeeck Festival, or is the root of the matter that we need a new council, endowed with vision that sees beyond self and looks to the desperate needs of others?"

It is becoming increasingly clear that the United Nations is today facing one of its most crucial tests in this part of Africa and that the civilized world cannot tolerate a failure there. The present disorders in South Africa and that Government's defiance of the United Nations on the question of South West Africa surely constitute a threat to peace which, if persisted in, should be effectively dealt with by the Security Council.

Since I have not yet been able to obtain a visa to attend the forthcoming session of the United Nations in New York, I have especially requested the attention to the subject of South West Africa or organizations having consultative status at the United Nations.

The Africans of South West Africa are grateful for the sympathy and support shown them by many in their difficulties, and they are confident that one day justice will prevail and that their lands and rights will be restored.

(Signed) Michael Scott

Enclosures:

Appendix A: Copies of letters

Appendix B: Bibliography

ENCLOSURE A

Copy of a letter sent to the Prime Minister of South Africa on 23 July 1952

My writing to inform you that there are many Christian people in Britain who would like to have an opportunity of meeting Chief Hosea Kutako of South West Africa. He has been invited to give an address in St. Paul's Cathedral, London, by the Dean and Chapter through the Chancellor, Canon Collins, who is Chairman of an organization known as Christian Action. There have also been invitations to him and his interpreter by the Bishop of Chichester, the Dean of Manchester and the Missionary Council of the Diocese of Norwich. These invitations are not inspired by politics but by a desire to hear the views of this African on the coming of Christianity to Africa and its future tasks, and I do hope, therefore, that it will be possible for him to obtain passport and other travelling facilities to enable him to accept these invitations.

May I also ask whether it would not now be possible for the prohibition order on my returning to South Africa to be rescinded. I have addressed this letter to you as a Christian minister as well as the Prime Minister of the country, and I do hope and pray you will give the matter your deepest consideration.

(Signed) Michael Scott

Copy of the Prime Minister's reply to the above letter, dated 7 August 1952

In reply to your letter of 23 July, I am directed by Dr. Malan to inform you that the Government unfortunately is unable to accede to your request to allow Chief Hosea Kutako to visit

Britain for the purpose stated, nor can it at this juncture rescind the prohibition on your return to the Union.

(Signed) M. AUCAMP
Private Secretary

Copy of letter received by the Reverend Michael Scott from Chief Hosea Kutako dated 28 August 1952

Thank you very much for your letter dated 8 July 1952.

I am touched to learn that many Christians have heard the prayer which was uttered at a lonely spot, when we were deliberating on how to let the world know of the sufferings of the people in South West Africa.

I have accepted the invitation from the Chancellor of St. Paul's Cathedral.

Applications for passport and visa facilities have been sent to the Secretary for South West Africa to be transmitted to the Prime Minister of the Union Government. Today, 28 August, I have passed to Okahandja to meet Chief Frederick Maharero.

(Signed) HOSEA KUTAKO

ENCLOSURE B

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Appendix III

LETTER DATED 20 OCTOBER 1952, FROM THE REVEREND MICHAEL SCOTT ADDRESSED TO THE SECRETARY-GENERAL

General Theological Seminary
175 Ninth Avenue
New York
20 October 1952

I am obliged to call to your attention the fact that Herero, Nama and Berg Damara tribesmen of South West Africa who for the past five years have been petitioning the United Nations for the return of their traditional lands and the re-unification of their tribes are being prevented by the South African Government from attending the United Nations in spite of the resolution of the Fourth Committee acceding to their request for a hearing.

Chief Hosea Kutako of the Hereros has even been refused a passport to enable him to give an address

at St. Paul's Cathedral, London, at the invitation of the Dean and Chapter and to accept invitations from the Bishop of Chichester and the Dean of Manchester.

It is therefore because of the arbitrary restrictions placed upon the freedom of movement of your African petitioners that I appeal to you that no final settlement of the question of South West Africa should be reached until the African inhabitants have themselves been consulted by the United Nations. Before any constitutional changes that may have been proposed to the *Ad Hoc* Committee on South West Africa can be considered by the Fourth Committee, steps should be taken to ascertain their views on these proposals. If your petitioners continue to be prevented from attending the United Nations to express their views

themselves in accordance with the request acceded to by a resolution of the Fourth Committee I would respectfully urge the consideration of sending a commission which could visit the Territory in order to verify the opinions of the inhabitants and to consult them about its future. As long as your petitioners are prevented from attending, I shall endeavour to be available for any information I may be able to supply to the Committee.

It is hoped very much, however, that every effort will be made to secure the attendance of your South West African petitioners themselves and especially of Chief Posea Kutako this year before he becomes too aged and infirm to undertake the journey. Only a few weeks ago I received a letter from him dated 28 August saying that he had applied again for a passport to fulfil the engagement referred to above and reaffirming

that he is ready to leave if permission can be obtained. The cost of his journey and that of his interpreter has been raised by his own people. In South Africa the situation has been rapidly deteriorating, and this inevitably affects the peoples of South West Africa. The position is now very grave and calls for some bold and determined initiative by the United Nations which could retrieve that situation not only by restraining the Government from its present disastrous course but also by making the positive offer of a constructive programme of social, educational and economic assistance by its specialized agencies.

(Signed) Michael Scott

Enclosure: Memorandum on the subject of South West Africa. (Note by the Secretariat: This memorandum is identical with that transmitted by the petitioner on 17 September 1952. See appendix II.)

Appendix IV

LETTER DATED 23 OCTOBER 1952, FROM THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE AFRICA BUREAU, ADDRESSED TO THE CHAIRMAN OF THE *Ad Hoc* COMMITTEE ON SOUTH WEST AFRICA, TRANSMITTING A REPORT PUBLISHED BY THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

The Africa Bureau
69 Great Peter Street
London S.W.1
23 October 1952

I am writing on behalf of the Executive Committee of the Africa Bureau to request that your Committee should consider the recommendations and comments in the enclosed report published by the South African Institute of Race Relations, as a result of Mr. J. D. Rheinallt Jones's investigations in South West Africa, (R.R.81A/51 of 14 November 1951.)

We are greatly concerned at South Africa's failure to comply with the advice of the International Court of Justice, and trust that your Committee will continue to do all it can to ensure that international supervision over the welfare of the inhabitants (particularly the indigenous inhabitants) of South West Africa be made effective, and that constructive measures on their behalf be undertaken. We also trust that no final decision be reached with regard to the future of South West Africa without some form of consultation with the indigenous peoples themselves.

We should be grateful if you and your Committee would give due consideration to this, our petition, and to its enclosure

(Signed) HEMINGFORD
Chairman

REPORT

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, INC.

ADMINISTRATION OF SOUTH WEST AFRICA.
WELFARE OF THE INDIGENOUS POPULATION

The opinion of the International Court of Justice should be regarded as imposing upon the Union the obligation to administer the Territory in the spirit and letter of the Mandate under which the Territory was handed by the League of Nations to the Union.

The relevant portions of the Mandate are:

"Article 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral part of his territory. . . .

"The Mandatory shall promote to the utmost the material and moral well-being and social progress of the inhabitants of the territory subject to the present Mandate.

"Article 3. The Mandatory shall see that the slave trade is prohibited, and that no forced labour is used except for essential public works and services, and then only for adequate remuneration.

"The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with the principles analogous to those laid down in the Convention relating to the control of arms traffic. . . .

"The supply of intoxicating spirits and beverages to the Natives shall be prohibited.

"Article 4. The military training of the Natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"Article 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of public worship, and shall allow all missionaries, nationals of any State of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling."

I suggest that the Institute make a study of the existing conditions in South West Africa and of the measures which should be taken to carry out these requirements of the Mandate.

I submit below the main headings of the matters which should be inquired into, and offer my brief observations on them, based upon study of reports and other publications on the Territory over many years, and upon a recent brief visit to South West Africa, including visits to five non-European Reserves.

Allocation of land

According to the annual report of the Administration for 1937, the area of the Territory had been allocated at that time as follows:

		Hectares ³	(b) Reserves established or additions made by the South West Africa Administration	
(1) Area of the territory			<i>District and Reserve</i>	<i>Extent (Hectares)</i>
(a) Outside the police zone.....	30,101,000		Gobabis (Epukeiro).....	997,840
(b) Inside the police zone:			Maltahohe (Neuhof).....	20,034
Namib (desert lands).....	7,164,860		Keetmanshoop (Tses).....	254,587
Other lands.....	45,025,000		Okahandja (Ovitoto).....	61,194
	82,290,860		Grootfontein (Otjituo).....	411,024
(2) Non-European (Native and Coloured) lands			Gobabis (Aminuis).....	554,800
(a) Proclaimed Native Reserves (outside and inside police zone).....	11,887,557		Otjiwarongo (Waterberg East).....	463,872
(b) Areas reserved for extension of Native Reserves (inside and outside police zone)	4,255,800		Gibeon (Gibeon Reserve).....	39,192
Rehoboth (mixed race) Gebiet.....	1,356,200		Omaruru (Otjohorongo).....	360,000
	17,499,557		Karibib (Otjimbingwe).....	91,021
(3) European farm land			Windhoek (Aukeigas).....	13,837
(a) Farms in private ownership.....	14,708,692		Grootfontein (Okavango Native Territory)....	3,256,832
(b) Farms leased to settlers.....	8,828,187		Ovamboland (Ovamboland).....	4,200,000
(c) Land held by companies.....	2,077,331		Outjo (Franzfontein Ext.).....	21,000
	25,614,210		Omaruru (Okombahe Ext. I).....	116,000
(4) Urban areas.....	437,100		Omaruru (Okombahe Ext. II).....	144,384
(5) Game reserves—Inside and outside (police zone).....	9,593,600		Gobabis (Eastern Native Reserve).....	1,287,680
(6) Area of unalienated crown lands			Kaokoveld (Kaokoveld).....	5,498,056
(a) In police zone.....	11,600,000		Grootfontein (Western Caprivi Zipfel).....	581,120
(b) Outside police zone.....	9,500,000		Warmbad (Warmbad Native Reserve).....	14,500
	21,100,000		TOTAL	18,386,973
TOTAL	74,244,467		To these should be added:	
			Rehoboth (Hoachnas [temporary]).....	14,253
			Under control of the Union Government:	
			Eastern Caprivi Zipfel (Eastern Caprivi Zipfel)	1,161,216
			GRAND TOTAL	20,591,153

In the Rehoboth district the Rehoboth Gebiet is reserved for the Rehoboth Coloured community 1,244,400⁴

In addition to the above an area of approximately 5 million hectares have been tentatively set aside for occupation by bushmen.

There is nothing in law to prevent non-Europeans from acquiring land outside the areas reserved for their occupation.

The Long-Term Agricultural Policy Commission of 1948 expressed the view that "judging from the use of the land for production purposes in the past, it appears that ample provision has been made for the needs of the present non-European population with reasonable allowance for increase..... Region for region good land has been selected for these reserves. Your Commission considers that the Administration has acted wisely by ensuring that sufficient land was earmarked for the requirements of non-Europeans before the still available Crown land was disposed of and it commends the policy already adopted to get this land into full production, consistent with proper conservation, before extending the reserves further" (paragraphs 213 and 214).

Several of the reserves however, are already full to their carrying capacity in respect of livestock and human populations, and in some areas (at least) it has been found necessary to prohibit non-Europeans who work outside from bringing in stock.

The maximum number of stock which can be kept by the head of a family is the equivalent of 100 large stock and 300 small stock, except where smaller numbers have been voluntarily agreed to by the residents of certain reserves. I found that in one of the reserves I visited the average number was 15 large and 40 small stock.

According to the 1946 report, the livestock population of the police zone of the territory was in 1943 distributed between the Europeans, Natives and bastard (mixed) populations as follows:

	Sheep and goats	Cattle	Horses
Europeans	3,923,401	1,085,185	25,545
Bastards	118,018	14,783	1,730
Natives	550,435	292,263	8,123
TOTAL	4,591,854	1,392,231	35,398

⁴ This does not include the townlands of Rehoboth, in extent 59,000 hectares.

The extents in different areas do not sum up to the total area of the territory, because the game reserves overlap the Namib and Native Reserves. The above figures do not include Walvis Bay.

According to a reply given by the Prime Minister to Senator E. H. Brookes in the Union Senate on 15 March, 1951, areas have been allocated as follows:

	Hectares
Allocated for European settlement.....	24,403,902
Crown land leased to Europeans.....	4,714,564
Allocated for Native and Coloured occupation:	
(1) Inside the police zone.....	12,301,839
(2) Outside the police zone.....	14,728,640
Allocated for game reserves.....	8,526,250
Leased for mining purposes, mostly in Namib Desert	5,949,400
Reserved for government purposes.....	33,102
Set aside for urban areas.....	474,684
Held as Crown land other than land for government purposes.....	11,215,460
TOTAL	82,347,841

The South West Africa Administration has very kindly supplied the following details as being the latest (31 August 1951) in respect of the areas occupied by non-Europeans:

Native Reserves

(a) Land occupied by Natives under German treaties

<i>District and Reserve</i>	<i>Extent (Hectares)</i>
Keetmanshoop (Berseba).....	596,992
Warmbad (Bondels).....	174,505
Omaruru (Okombahe).....	172,780
Kaokoveld (Zessfontein).....	31,416
Outjo (Franzfontein).....	36,188
Bethanie (Soromas).....	16,830
TOTAL	1,028,711

³ 1 hectare = 1.1675 morgen (approx.) or 2.4711 acres (approx.).

	<i>Donkeys</i>	<i>Mules</i>	<i>Pigs</i>
Europeans	60,428	3,153	10,606
Bastards	3,553	7	22
Natives	158,120	43	155
TOTAL	222,101	3,203	10,783

In 1946, severe drought greatly depleted the livestock in the Territory, but the Long-Term Agricultural Policy Commission reported that "for Europeans, saturation point is in sight for human as well as stock populations on farms" (paragraph 643) and there is every possibility that the Administration will be pressed more and more to open up new land for European settlements, more especially as the Territory's agrarian economy is mainly pastoral, cattle and karakul being the chief income producers.

The tribes complain that even their reserves are being encroached upon by white farmers hungry for land. It is possible that some of the Crown land (which includes unsurveyed land in the Kaokoveld and in the north-west, and a strip south of Ovamboland and Okavango Native areas) may be found suitable for European settlement and will therefore be demanded for white settlers.

The fair distribution of land as between Europeans and non-Europeans should now be considered.

In this connexion the possibility and desirability of bringing the Herero together into a single or at most two integrated areas should also be considered. For this was also a point in the Hereros' appeal to the United Nations. Their hereditary leader is Frederick Maherero, whose father Samuel Maherero took refuge among the Bamangwato in Bechuanaland Protectorate when his forces were destroyed by the Germans in 1906. At present, the Herero in South West Africa are scattered over eight reserves and are divided in their loyalty between two headmen, although Hosea Kutako is regarded as Senior Headman. They are united in their desire to have Frederick Maherero among them to be their common leader, and he is anxious to go back, but will not do so until the people are united and there is adequate land for himself and his immediate followers in Bechuanaland, who number about 15,000. The Administration has been favourable to the return of Chief Frederick and his people and to the territorial unification of the Herero, but will not accede to the Hereros' claim to the lost "valleys".

Consideration should be given to the great disparity between the number of livestock held by Europeans and those held by the non-Europeans. The European population of the police zone in 1946 was 38,020, the Coloureds 44,592 and the Natives 94,568. While allowance must be made for the superior economy of the Europeans, the fact that it has been found necessary to restrict the livestock in some reserves suggests that there may be truth in the allegation of the Hereros and other tribes that the best lands have been made over to the Europeans. A comparative study of the carrying capacities of European and non-European land would show how far this is true. It will be remembered that the Herero in their appeal to the United Nations alleged that they had been forced to leave the well-watered areas of Orumbo and adjacent districts, allotted to them after the First World War, and to settle in comparatively waterless areas (Epukeiro and Aminuis), the former areas being used by the Administration to settle Boers brought from Angola. The Administration, however, holds that there is ample evidence to show that the Herero were merely permitted to reside temporarily in the Orumbo and adjacent farms until adequate water supplies could be opened up in the Epukeiro and Aminuis reserves, and that it would have been contrary to native policy to create a small "black island" in a large "white sea".

As regards a division of the Territory between Europeans and non-Europeans, it would be well to keep in mind a statement made before the Administrator of South West Africa on 6 March 1946 by Festus Kandjo, boardman belonging to Headman Hosea Kutako of the Aminuis Reserve. He held that before 1904 this country belonged to five African tribes—the Herero, the Hottentot, the Berg Damara, the Ovambo and the Bushman. The Ovambo inhabited the northern part of South West Africa; the Berg Damaras and the Hereros the central portion (the central portion stretched northwards as far as Onguma and

southwards it stretched down to Krib and Rehoboth; westwards it stretched as far as Swakopmund and Walvis Bay, and eastwards as far as the Kalahari desert, the border between Bechuanaland and South West Africa); the Bushmen people inhabited north of Onguma to Okavango and the district called Kaokoveld; the Hottentot people, or Nama, to give them their full name, inhabited the area from Kun to the Orange River. The Germans had been dispossessing the Berg Damaras (who were a serf people under the Hereros and Nama), the Herero and Nama of their best lands and cattle and this, together with their systematic disarmament, led to the Herero rebellion of 1904, which ended in the defeat of the Herero and the reduction of their number from about 80,000 to about 15,000. Thereafter the German Government set about settling Germans in the best of the areas which had been occupied by the tribes, and the Hereros, in particular, were left without land of their own.

After the First World War, the Union Government's Administration set about reserving areas for the non-Europeans. The Herero leaders claimed that their paramount chief Frederick Maherero had been promised, if his people helped the Union forces to defeat the Germans, that their lands would be restored to them. The Administration denied this and said, moreover, that it was not possible to dispossess the Germans and others who were settled on land taken from them during German occupation.

The Herero claim their "traditional lands" and the restoration of tribal unity and authority. This claim should be examined in the light of equity as well as of present circumstances, and no effort should be spared to secure as fair a settlement of the problem as the circumstances permit.

But the Herero are not alone in claiming restoration of lands, and the other tribes and communities should receive just consideration. There can be no denying that the breaking up of the Native tribes and Coloured communities has been largely responsible for a degeneration of these peoples, but perhaps it is not too late to make the attempt to reunite the groups and to strengthen tribal or community authority.

I draw special attention to three of the areas visited by me:

Otjohorong Reserve: Land on the west side of this Reserve, which was potentially an area for the extension of the Reserve, has been allocated to European settlers from the south.

Okombahe Reserve: An area of 116,000 hectares was added to this Reserve in 1947 to accommodate Damaras from the Aukeigas Reserve. A further area of 144,384 hectares beyond the Uis River, south of Ugab, bordering on the Namib desert is to be added to accommodate Damaras who are being removed from among Europeans in the Kaokoveld. I do not know the number to be removed, but I understand that about 7,000 head of small stock and 400 head of large have to be accommodated. The carrying capacity of the Reserve varies as it goes westwards from 10 hectares per beast to 15. The most westward area is populated by springbok, ostrich and zebra.

Aukeigas Reserve: Pressure on this Reserve has been relieved by the transfer of Damaras to Okombahe Reserve as mentioned above. The remaining residents are comfortably placed, and there is a large dam and three smaller dams, together with a windmill and reservoir for the watering of cattle. But as the Reserve was officially closed some years ago under an Act of Parliament with the consent of the residents, there is the likelihood that they too will be removed.

European hunger for land is bound to increase not only because, as has been pointed out, the livestock population on land held by Europeans has reached saturation point, but also, judging by present indications, animal husbandry will continue to be the foundation of the Territory's economy. Diamond mining, agriculture and fishing will be the main economic activities for a long time to come. Advancement in the Territory's economy will be dependent upon advancement in animal husbandry and for this more land will be required. There is every reason why the non-Europeans, pastoral by tradition as they are, should make their fair contribution to this advancement and be given their share of the land required.

A just apportionment of the land is a fundamental necessity both for the economic development of the Territory and for racial peace.

This will not be an easy task, and highly charged emotional thinking on either side of the colour line will make no contribution to it. There must be some authority strong enough to withstand the pressure of political votes—the monopoly of Europeans in South West Africa—and its insistence that the interests of the white man override all others. On the other hand, the non-European peoples must be brought to realize that their rise in civilization must have a sound economic foundation and that land can only be held in trust for future generations and that this trust can only be fulfilled by those who give their minds and energy to its care. Economic development and soil conservation demand intelligence and dynamic energy and, so far, the non-European peoples have shown a lamentable lack of both in their attitude towards development and conservation schemes. How their intelligence is to be awakened and their energy aroused must be the concern not only of the Administration and the well-wishers of the non-Europeans, but also of those non-European leaders who can be won over to active co-operation in these matters.

In considering the allocation of land, attention must be given to the recommendations of the Commission on Minimum Area of Farms (1946) that legislation be introduced to fix the minimum area of farms in the Territory, that the minimum area in the most favourable districts should be 3,000 hectares and 20,000 hectares in the least favourable, and that, generally speaking, the minimum area in a moderately good district should be 5,000 hectares.

Economic development of Native areas

In the Reserves visited by me, I got the impression that the people are less pressed economically than the inhabitants of the Native Reserves in the Union. As indicated earlier, the average family holding of livestock is 15 large and 40 small. The average family cash income is also higher. The African tribes of South West Africa sell their cattle more easily than do the Union Africans, and their cattle were in much better condition (after a very good year) than I have found in most Union Reserves. The average price obtained is £15 per beast, mostly three-year-olds. In the northern Reserves the Administration has encouraged and organized the people's participation in the cream industry, the cream being carried by licensed African transport from depots in the reserves to the nearest European centre. In the Otjohorongo Reserve, the total of stock and cream sales in 1949 was £28,000. Divided among the 900 families of the reserve, this yields a little over £31 per family per annum. Actually, only about 200 participated in the cream industry and consequently their income was very much higher. The sales of cream amount to about £7,000 so that the 200 participants earned on an average £35 per annum each from cream. The stock sales amounted to about £21,000, yielding an average of £23.3 per annum spread over 900 families. The average cream participant therefore earned over £58 per annum for sale of stock and cream. The level of living in the Reserve is much lower than in the Union Reserves so that this income earned within the Reserve, is, comparatively, a fairly high one. Considerable income is also derived from money or goods sent into the reserve by sons and daughters working outside the Reserve. The income per individual obtainable in the Reserve is however not enough to give a satisfying living to young men, except perhaps in a very good rain year (such as 1950). It is just enough to make them "choosy" about the work they will do. The young men's average stay in the Reserve is six months, but the period is becoming shorter.

In the southern Reserves, karakul sheep and goats are the major interests. In 1949 karakul wool sold at 20d. a lb.; karakul skins went up to 49/-, an ordinary sheep fetched £2 and a beast £16. The relative importance of large and small stock in the southern Reserves is seen from the fact that in Berseba Reserve there were, in December 1950, 1,952 large stock and 48,214 small stock.

There is no doubt that there is a considerable margin for higher cash income in the Reserves if intelligence and energy are applied by the people to their traditional occupation of animal husbandry. But these qualities are sadly lacking, and the welfare officers have an almost impossible task in persuading the people to care for their animals. The level of living is still

so low that it is not much affected by either adverse conditions or by higher cash income. There is suspicion of efforts made to help them to advancement, due partly to ignorance and partly to bitter experiences in the past. Welfare officers and others interested in the welfare of these people were unanimous in urging the education of the children as the swiftest means of overcoming ignorance, inertia and suspicion. Undoubtedly, the migration of the young people into the European areas is having an educative effect in many ways (some unwholesome) and the result will be felt in the Reserves later on. But there is urgent need for the advancement of the people in the Reserves and this must be done in several ways. The pattern of economic advancement must be created for them no less than the pattern of civilized thought and life. What should this economic pattern be? The Long-Term Agricultural Policy Commission summed up farming in the native reserves as follows:

"The policy that the Reserves should be developed by the occupants for their benefit consistent with proper methods of conservation is commended. They should produce all food for their subsistence in animal and agricultural products and they should be assisted to produce a surplus for consumption in the Territory or for export. For the attainment of these objects they should be given the same guidance and facilities as regards production and marketing as farmers outside the Reserves.

"On several reserves inside the police zone the limit of production has been reached pending augmentation of water supplied in outlying areas. On parts of these Reserves the limit has been exceeded and the application of suitable measures for the amelioration of the soil and pasture by the reduction of stock in general and stringent exclusion of stock from parts subjected to continuous overgrazing are now unavoidable" (paragraphs 697 to 698).

The foregoing emphasizes the view expressed by me earlier in these notes that the land situation must be reviewed since some Reserves are already overloaded. But both land apportionment and agrarian development must be related to the issue: what part are the non-Europeans to play in the general economic development of the Territory? Already the demand for farm, mine and other industrial labour is heavy, and it may well be that in the near future it will be found that the sound development of the economy of the Territory and "the moral well-being and social progress" of the non-Europeans require that occupation of the land shall be reserved for those who want to be full-time farmers, and the remainder, who may in the long run be the majority, encouraged to become full-time workers in other occupations.

Some of these other occupations may well be in the Reserves, for the areas contain mineral deposits and there are mines in both the Okombahe and Otjohorongo Reserves.

Agriculture in the Reserves is of the most primitive and limited character, except in a few cases where riverside land can be flooded during the rains. In the Okombahe Reserve, an average of 300 bags of wheat—a maximum of 1,250 bags—is grown in river sand. Kraal manure is used but cultivators have to travel up to fifteen miles to get it. European farms have more manure than they use but transport is too difficult and costly to get it into the Reserve. About 100 families participate in wheat cultivation but do not sell the wheat except when in great need of other food. Then they get 3d. a lb. for the wheat.

Usually the family cultivation is in a small circular garden, and there, in the rainy season, maize, tomatoes, peas, cabbages and tobacco are grown.

Food production is quite inadequate for sustaining the population and it would require a high degree of competence to make the land produce the food required.

The basis of the economy of the Reserves must be livestock. For this, adequate water supply is essential. Open water all the year round is rare and it is necessary to build dams and to sink boreholes. The Administration has been active in both respects. In the Aukeigas Reserve, a wall eighty feet high holds up a considerable volume of water all the year round. In the Orjohorongo Reserve, there are four earth dams, two of which are perennial, but the other two are defective. Eight boreholes have

been sunk and diesel-engine pumps and windmills erected on them. At least six more are needed. The more widely and adequately distributed the water supply the less soil erosion is created by the gathering of stock at watering places. In the Okombahe Reserve, eighteen boreholes have been sunk and pumps or windmills erected. There is open water in the Omaruru river, and seven more boreholes will be sunk in the near future. In the Berseba and Tses Reserves (Keetmanshoop district), five earth dams and twenty boreholes have been provided and the water supply is considered to be adequate for present needs even in drought years.

These instances will show that the Administration has not been inactive in providing the essential water supply for the Reserves. But, as in other respects, the rate at which essential development works are carried out is not fast enough for the needs of the Reserves.

The Long-Term Agricultural Policy Commission, quoted earlier, urged that the Reserves should be helped to "produce all food for their subsistence in animal and agricultural products, and they should be assisted to produce a surplus for consumption in the Territory or for export. *For the attainment of these objects they should be given the same guidance and facilities as regards production and marketing as farmers outside the Reserves*" (paragraph 1). The italics are the Commission's and the words sum up the agrarian programme for the Reserves which should be pressed on the Administration.

There are, however, other economic activities which may be possible in the Reserves and which, if possible, would hasten the economic advancement of the Reserves and their rise in civilized ways.

In the Union, the exploitation of the mineral resources of the Native Reserves has been made impossible, partly from a desire to protect the Native inhabitants from the intrusion of Europeans, and partly from the fear that mines and works in Native areas would hold back Native labour from the European farms and industries. There are signs of a change in the policy and it is possible that in the near future considerable mining and industrial developments will take place in the Union's Native areas.

The economy of South West Africa no less than that of the Territory's non-European areas would be more broadly based and greatly strengthened if in these areas, mineral and other natural resources could be exploited. A systematic survey of the Reserves seems to be the first requirement.

Health in Native areas

Before the European occupation of South West Africa, the tribes depended for fruit and vegetables upon veld trees, plants and roots, for protein upon game, rats, mice, birds and other veld wild life, fish, and occasionally an ox or goat, and milk (more especially the Herero). Today, game is rare and the veld is being denuded of plants and roots. The small gardens yield for a portion of the year a small supply of maize, peas, cabbage and tomatoes, for the rest the inhabitants buy cereals, bread, sugar and other carbohydrates at the stores. The Herero live mainly on sour milk, and the other tribes seem to be relying heavily on milk too, either goats' or cows' milk. The diet was a delicately balanced one and did not allow of much reserve against times of drought. Today, the diet is one-sided and more and more dependent upon the refined foods of European civilization.

Close contact with Europeans is resulting in increasing adoption of European diet, white meal being preferred to yellow, white bread to brown, and tea and coffee being drunk.

Where non-Europeans are labourers on European farms their diet varies according to the character of the farmer. A Health Commission reporting in 1946 said: "Some farmers feed their Natives adequately, others do not. The latter are sufficiently numerous to justify the laying down of improved official standard scales of rations for Native labourers on farms". A Commission on the Native Labour Problem in South West Africa reported in 1940 in similar terms, and both recommended standard diet scales being imposed on employers. This has been done, but I have no evidence as to its effectiveness.

The Health Commission reported: "There is considerable malnutrition amongst the Native children of the police zone. This is undermining their future health and increasing their susceptibility to disease. We are therefore satisfied that the Administration should expand its school feeding arrangements to cover those of pre-school age."

School feeding takes place in most of the Reserves, the meal consisting variously of 8 oz. mealie meal per day, beans, or sweet potato, venison (game where it can be shot), sugar, milk, vitamin oil. School feeding is also in operation in all non-European schools (mission and private) in both urban and rural areas in the southern portion of the Territory (i.e., south of Windhoek).

Kaffir cornmeal beer is a traditional drink amongst the tribes, and is light and wholesome. Marulu beer and Ernbe spirit are strongly alcoholic. In recent years a concoction of several kinds of fermentable substances, called Kari, with methylated spirits or tobacco and yeast added has taken hold of the people. It is not a food and the Health Commission said of it: "It is a crude alcoholic poison, a cause of degeneration of many Natives in locations and in the Reserves, a matter of great public concern to decent Europeans and to decent self-respecting Natives because its effects are such as to render those who partake of it quite unemployable. Kari causes physical degeneration and complete unreliability in addition to serious mental and moral deterioration" (paragraph 27). A Commission on Native Labour (1945/1946) recommended that European beer be made available to non-Europeans to counteract their addiction to these noxious types of drink.

The Administration employs part-time district surgeons in the police zone—there were sixteen in 1946—and two full-time ones outside the police zone. Sick indigent Natives are treated free by district surgeons and in hospitals. But there are no hospitals or district surgeons in the Reserves of the police zone. There is one large government Native hospital in Windhoek and there are government hospitals also in Keetmanshoop, Grootfontein, Omaruru, Otjiwarongo and Walvis Bay, and elsewhere there are mission hospitals, in all of which Natives are cared for. Welfare officers and missionaries and traders do what they can for simple ailments and the district surgeon visits once a year or half-year if patients are too ill to go to the town. There was no ambulance in any of the Reserves visited by me. The welfare officers and their wives and some of the missions do what they can for the sick, but there are no organized medical services. Headmen and other Africans, as well as welfare officers, plead for the establishment of at least one in-clinic in each Reserve, with, if possible, accommodation for emergency cases, the attendance of a trained nurse and weekly or fortnightly visits by the district surgeon. The Health Commission urged that steps be taken to provide nursing training in the Territory for non-European women and that bursaries be provided to help and encourage them to go in for the training. A beginning has been made and two non-European girls are being trained in the Union at the expense of the Administration.

The following figures of births and deaths extracted from registers in welfare offices should be noted:

	September 1949	September 1950	January-August 1950
<i>Otjohorongo Reserve</i>			
Births	39	4	23
Deaths	51	12	24
	1949 (year)	January-June 1950	
<i>Okombahe Reserve</i>			
Births	33	37	
Deaths	47	35	
<i>Berseba Reserve</i>			
Births	25		
Deaths	16		
<i>Tses Reserve</i>			
Births	9		
Deaths	9		

In ten of the forty-seven cases recorded in the Okombahe Reserve, tuberculosis was given as the cause of death, and, in the northern Reserves of the police zone, tuberculosis and venereal

diseases seem to be rife. The Health Commission said that "the situation regarding venereal diseases amongst Natives is a tragedy of the greatest magnitude".

A demographic study of the various races is an urgent necessity and a prime requirement for any consideration of a social and economic programme for the welfare of these people.

The Health Commission said: "The State should accept entire responsibility for a complete health service to Natives and Coloureds. This should be under the direction of the Chief Medical Officer to the Administration. Owing to the poverty of the indigenous people they cannot be taxed heavily, if at all. The Commission is of the opinion that direct taxation of Natives and Coloureds for health services rendered to them cannot fairly exceed 5/- per annum per family and 5/- per annum per unmarried person over the age of eighteen years. The balance of the money expended should come from general revenue" (paragraph 264).

While I favour some contribution being required from non-Europeans, as well as Europeans, towards medical services (as do the non-Europeans themselves according to the Health Commission) I consider the sum suggested is too high, having regard to the wages paid and to the lack of medical services existing. I suggest that it will be soon enough to tax the people when they can see medical services being developed, and then the initial amount should not exceed 2/6. Later as the services are developed the amount could fairly be raised.

During 1950, the total State expenditure on the medical treatment of Natives was £61,755/15/10 including grants to mission hospitals of £5,014 out of a total State expenditure on health services of £155,040.

It is clear from the report of the Health Commission, as well as from the facts gleaned from personal observation within the restricted period of my visit to the Territory, that the planning and putting into effect of a comprehensive programme of health and medical services are urgent and prime necessities.

Education

In earlier years, education was dependent upon the missions, but more recently the Administration has increasingly assumed responsibility, and a teacher-training institution, the Augustinum Training Institution at Okahandja, has been taken over from the Rhenish Mission. In the mission schools, the Administration pays the salaries of those teachers whose appointments have been approved and grants are made for books, equipment and upkeep of schools, the missions providing the buildings, which are often used as churches as well. Most schools go no further than standard III and the older teachers are of poor standard.

In the police zone, the total enrolment of Coloured pupils in 1950 was 2,528 in 28 schools, and the total enrolment of Natives was 6,633 in 78 schools. Outside the police zone, the total enrolment of Natives was 16,605 in 151 schools. The Administration's report for 1946 said that the people have in the past held back from education, and that they have not disciplined their children to apply themselves to school work and to continue long enough in school. The people in the police zone, however, complain that the missions have never been anxious for their children to be educated, and that schools are too few and far apart. The mission schools I saw were small and unattractive. On the other hand, the government school at Omatjotte was well built, had good latrines and shower rooms in good condition and well used. The headman urged that a boarding house be provided as the parents want to send their children to the school but want them to be under suitable supervision and control. He wanted two such schools in the Reserve. I was assured by all welfare officers and headmen that the people are now very eager to have education for their children. Welfare officers and traders expressed the view that little progress can be secured in animal husbandry and agriculture until the people have been educated to understand better the reasons for better farming methods. Centralized schools would make it possible to have better buildings, equipment and teachers, and also—a point emphasized by headmen as well as welfare officers—better discipline of the children, as they get little or no discipline in their homes. It is

claimed that those who have been to school are more mannerly and more temperate in their habits.

Teachers' salaries have been increased of late and the salary grants from the government were doubled in 1946. A head teacher (not all) of a government school receives £114 rising by 2s per annum to £186 per annum with a cost of living allowance of £104 per annum, and a principal's allowance of £15 per annum. The salary rises also as the enrolment increases.⁵ There is a shortage of candidates for training as teachers and no doubt the low salaries of the past has been a factor in this. It is important that the teachers shall be well educated and well trained so that they shall have the necessary influence upon the community as well as upon the pupils in the school.

The correlation of teacher training as well as of the school curriculum with the pattern of social and economic life which it is desired to develop among the people is a matter which requires close attention, as it does in the Union. And, as in the Union, uncertainty as to what this pattern should be will paralyse educational progress. And unless the aim is to raise the standard of living of the people and to offer them wider opportunities for economic advance, the people will be suspicious of and hostile to any modification of the stereotyped school curriculum.

Very noticeable features of missionary influence are the dress of the Herero women (now copied by the Damara and Nama women) and their skill in needlework. The dress is a copy of a mid-19th century German woman's dress worn by the wives of early German missionaries, who also taught the Herero women highly skilled needlework and dress-making. There are indications that the men could show similar aptitude in skilled work if trained and given opportunities to apply their skills. European opinion differs in its estimate of the Herero men as workers but the prevailing opinion is that they are difficult to handle and "aristocratic" in their attitude. But they too must learn to work.

Education, like health, is a prime necessity for the non-European peoples of South West Africa, and calls for planning and organization to an extent not so far evident, but it must be closely related to the question of the place which the non-European races are to occupy in the developing economy of the Territory. That is to say, until the kind of life and the kind of society for which the children are to be prepared are clearly visualized, education in the schools will be purposeless and ineffective or else lead to a sense of frustration in after-school life. For example, to give vocational training, when there is no prospect of that training being economically satisfying to the pupil, must result in lack of interest during school life or to bitter resentment thereafter.

Employment

There is an over-all shortage of labour available for employment within the police zone, where economic activities have increased considerably since the end of the Second World War. The European population (38,020 in 1946) is increasing but is fully occupied in farming or in the more skilled occupations in commerce and industry. The non-European population within the police zone consists of 44,592 Coloureds and 94,568 Natives. The Commission which inquired into South West Africa's Native labour in 1945-1946 found, contrary to the complaints of European farmers and others, that "there is no foundation for the complaint that the Reserves and locations abound with unemployed local Natives. Not only do the local Natives appear to be fully employed at present, but vital statistics indicate that the local population is not increasing to any marked extent and that it could be more correct to describe it as just maintaining its present strength. That being so, there is little prospect of increase in the local labour supply. Any considerable expansion in the demand for Native male labour can, accordingly, not be satisfied by the local Native population" (paragraphs 21-22).

The Commission found that in the urban locations a considerable number of females were engaged in part-time employment, mainly laundry work, but that in the reserves there is a larger percentage of unemployed women. However, it must be borne in mind that in the Reserves the women care for the

⁵ The highest scale (depending upon suitable qualifications) is £144 x 10 = £214.

livestock and do the milking as well as carrying out of household duties.

For years past, the police zone has been drawing upon the areas outside for Native male labour. These areas are:

	<i>Population in 1946</i>
Ovamboland	147,886
Kaukoveld	6,011
Okavango	18,744
TOTAL	172,641

There are some 5,500 bushmen in Ovamboland and in areas within districts of the police zone that are outside police control; also 14,000 Natives live in Caprivi Zipfel—most of them too far away for work in the police zone. Few of the Kaukoveld Natives have in the past gone out to work, but are now being recruited. Some labour (about 6,000 a year) also comes voluntarily from Angola (Portuguese West Africa) as the Natives in the southern portion are ethnically related to those in Ovamboland and Okavango. The total number of Natives recruited in 1946 in Ovamboland and Okavango for work in the police zone was 13,500, of whom about 7,500 were Natives of Ovamboland and Okavango. This number comprised 4.5 per cent of the total population of these areas. In addition, a certain number of Natives from these areas (at least 3,000 a year) travel to Bechuanaland in order to engage for work on the gold mines of the Union. The Native Labour Commission estimated that South West Africa should be receiving 3,000 more from these areas. The main reason given for the shortage, apart from the flow into the Union, is the fact that active recruitment has not been taking place in the areas.

The Native male labourers employed in South West Africa were distributed in 1946 as follows:

Employed in urban areas.....	11,722
Employed on mines.....	2,992
Employed on roads.....	915
Employed on railways.....	2,507
Employed on farms.....	33,967
TOTAL	52,103

Since 1946 there has been considerable expansion in the economic activities of the Territory, and even the Commissioner's estimate of Native labour requirements of from 60,000—65,000 is probably short of the needs.

The immigrant labour is used mostly on farms and on mines and is subject to a minimum contract period of eighteen months on farms and two years on one of the mines. Until 1950 the contract period for farms was twelve months, with possibility of re-engagement for another year. This extension is the result of pressure on the Administration by farmers, despite the testimony of the South West Africa Native Labour Organization before the Native Labour Commission that "for the last nine months it had not found a single recruit who is prepared to contract outright for a two-year period on a farm" and despite the fact that the Commission said it could not recommend an extension of the period (paragraph 80).

The period should not exceed one year, for even within this period family and tribal life in the Reserves is adversely affected, as experience has shown in the Union and other African territories.

Farm labour in South West Africa is even more unpopular amongst Africans than in the Union. "Undoubtedly the most serious complaint", said the Native Labour Commission, "made by all extra-territorial and northern Natives against employment in the Territory is the inadequacy of the wages paid by farmers. This complaint, as has already been pointed out, is confirmed by the local Natives, who also testified that wages paid in towns were not sufficient for the purpose of supporting themselves and their dependents. There were no serious complaints against the wage-rate obtaining on the mines in the Territory" (paragraph 170). The Commission found that cost of food for Natives in towns had risen by at least 50

per cent since 1939. While the increase for Natives on farms was not so great, the wages were very much lower.

The wages paid to locally employed farm labourers ranged from 9/6 to £2 or even (in a few cases) £3 per month. In the northern portion of South West Africa the usual wage was £1/10/- to £2.

Native farm labourers recruited by the South West Africa Native Labour Association (SWANIA) were paid on wage scales based on the "class" of labourer, determined by the physical condition of the worker. Class A consists of those who are fit for underground mine labour; class B for heavy farm labour or mine surface work; Class C for farm or general labour. Sixty-six per cent of labour recruited by SWANIA in 1947 was recruited for farm work and eighty-four per cent of these labourers were of the C class. The wages of class C were as follows:

FARM LABOUR—CLASS C

*Monthly wages in shillings
(For four-month periods)*

	<i>Inexperienced labourers</i>			<i>Experienced labourers</i>		
	<i>1st</i>	<i>2nd</i>	<i>3rd</i>	<i>1st</i>	<i>2nd</i>	<i>3rd</i>
First Year	9	10	11	11	12	13
Second Year	13	14	15	15	16	17

Half of the bus fare one way, Ondangua to Grootfontein, of 5/6 (of which the Administration paid 2/9) and the whole of the return bus fare of 13/9, were deducted from the wage. The employer deducted 2/9 from the first month's wages and 13/9 from the last month's wages. The employer paid the single and return railway fares between Grootfontein and the place of employment, ranging from 30/- to £5/14/6, cost of recruitment 12/-, clothing £1/6/-, food 5/-, sundries, say 1/6.

The Commission reported that "there has been no more fruitful source of trouble and misunderstanding between employer and employee than the withholding of the last month's wages (to pay for the return bus journey). The employee is in most cases unable to understand why his wage has been withheld and invariably leaves his employer with a genuine feeling that his employer has done him down. Even though the matter is explained to him, he still feels that he has worked a month without any compensation" (paragraph 131). In fact, the labourer had to work thirteen months on a year's contract.

The Commission recommended that all the transport costs—forward and return—be made payable by the employer and no deduction made from the labourer's wages; also that the contract period be kept to the twelve or twenty-four months and not thirteen or twenty-five months (paragraphs 131 to 134).

Since 1 August 1949, the employer has been responsible for the full single and return rail and bus fares.

It costs a farmer in the midlands from £7/13/- to £7/19/- to secure one immigrant labourer for one year, and the year's cash wage amounted to £3/6/-. To this amount must be added an uncertain amount for food and something or nothing for housing.

The Native Labour Commission recommended new wage scales as follows:

Farm work

(a) *Shepherding*: 25/- per month for first year; 30/- per month for second year, if with same employer.

(b) *General*: 20/- per month for first year; 25/- per month for second year, if with same employer.

The same rates payable to both recruited and local labourers.

(c) *Light labour*: 5/8ths of wages of the able-bodied labourer.

The actual rates which have become payable since May 1951 are as follows:

FARM LABOURERS

(Wages per month in shillings and pence)

	First twelve months	Remaining six months of contract or if recontracted to another employer for further six months after completion of first contract	If contracted to previous employer for further six months after completion of first contract
<i>C class</i>			
(1) Raw picannins.....	15/-	17/6	20/-
(2) Raw adults.....	18/-	20/6	23/-
(3) Experienced picannins and adults.....	20/6	23/-	25/6
(4) Experienced if returning to previous employer at latter's request	21/6	24/-	26/6
<i>B class</i>			
(1) Raw	20/6	23/-	25/6
(2) Experienced	23/-	25/6	28/-
(3) Experienced if returning to previous employer at latter's request	24/-	26/6	29/-
<i>A class</i>			
(1) Ordinarily	30/-	45/-	47/6
(2) Experienced if returning to previous employer at latter's request	35/-	45/-	47/6

SHEPHERDS

(including general farm work)

(Wages per month in shillings and pence)

	First twelve months	Remaining six months of contract or if recontracted to another employer for further six months after completion of first contract	If contracted to previous employer for further six months after completion of first contract
<i>C class</i>			
(1) Raw picannins.....	20/-	22/6	25/-
(2) Raw adults.....	23/-	25/6	28/-
(3) Experienced picannins and adults.....	25/6	28/-	30/6
(4) Experienced if returning to previous employer at latter's request	26/6	29/-	31/6
<i>B class</i>			
(1) Raw	25/6	28/-	30/6
(2) Experienced	28/-	30/6	33/-
(3) Experienced if returning to previous employer at latter's request	29/-	31/6	34/-
<i>A class</i>			
(1) Ordinarily	35/-	45/-	47/6
(2) Experienced if returning to previous employer at latter's request	40/-	47/6	50/-

Where a class C recruit on re-examination is raised to the class B category and returns to previous employer at the latter's request he shall be paid at the special rate for returning employees of class B, but this does not apply to class B recruits promoted to class A.

The Commission heard a "chorus of complaints" from chiefs, headmen and individual labourers about the food and housing as well as the wages on farms, and it found that it had become necessary to lay down a basic ration scale as follows:

Essential: mealie meal, 12 lb. per week; meat, 1½ lb. per week or 3 lb. per 14 days; sugar, 1½ lb. per week; beans, 1 lb. per week; salt, as required.

Optional: (recommended): milk, ½ pint of whole or 1 pint separated milk during the season or otherwise goat's milk per day; vegetables or fruit, 2 lb. per week; fat, ½ lb. per week.

The Commission found that it was a regrettable fact that, with isolated exceptions, housing for Natives on farms in the Territory is primitive and unsatisfactory, and in some cases non-existent. It is recommended that it be made a penal offence to employ Natives on farms unless satisfactory housing is provided for them and that the minimum requirements be laid down (paragraphs 159, 165 and 168).

Conditions for Native labour in the mines provide a great contrast to both those on the farms and in the towns. The Commission reported that, in respect of the mines, "the Native

witnesses without exception said that the wages, food, housing and clothing on the mines were good, though some considered that the work was hard. And those comments applied to the Union of South West Africa mines, though in regard to the latter the witnesses were not as satisfied as proved to be the case with the Union mines. Such complaints as there were about our mines were not of a serious nature, and they were certainly not general" (paragraph 136). The diamond mines have reconstructed the living quarters on the most modern lines.

There have been many complaints about the transport arrangements from the northern territories (Ovamboland and Okavango) to the police zone, but such inquiries as I was able to make showed that the S.A.R. and H. Administration has made substantial improvements, but this is a matter which calls for constant vigilance, especially in regard to sanitation and drinking water, the provision of rest houses, etc.

Living conditions of urban Native workers are also deplorable, and call for drastic action by the Administration. Even allowing for the inertia of the Natives in regard to betterment of their own housing, the conditions are a serious reflection upon the Administration and the local authorities.

An increasing number of Ovambo and Okavango natives is now to be found in domestic and other employment in the urban areas. They are not, however, permitted to bring their women-folk with them. The police zone non-Europeans are deserting the farms for the towns and taking their families

with them. Those from the reserves are also more and more taking their families into the towns. Wages must, therefore, be adequate for family life in the towns.

In Windhoek, a building contractor was offering Native labourers 6/- per working day, i.e., five days at 6/- and one day at 3/-, yielding 33/- a week. Rail fare to Windhoek was paid and the return fare was paid if the labourer completed his contract of six, nine or twelve months. Rent of 2/7 a month was paid by the firm.

The Native Labour Commission recommended a minimum wage scale for:

SERVANTS IN URBAN AREAS

(Wages per month in shillings and pence)

	First twelve months	Remaining six months of contract	If recontracted to previous employer for further six months after completion of first contract
<i>B class</i>			
(1) Ordinarily	23/-	25/6	28/-
(2) If returning to previous employer at latter's request.....	24/-	26/6	29/-

Mine labourers—Class A: 1/- per shift for the first 309 shifts; 1/6 per shift thereafter.

Special higher rates are in operation in respect of boys returning to previous employer and for skilled work.

Labourers in works and industries: 1/- per shift (or day of 8 hours) for first 12 months; 1/6 per shift (or day of 8 hours) thereafter.

Overtime remuneration to be at the rate of 6d. per hour to a maximum of 30 hours per week.

No careful study of the cost of living for Africans in urban areas has been made, and this should be done to ascertain how far the minimum wage scales are adequate.

In concluding this brief survey of the employment of non-Europeans in the Territory, I draw attention to the following remarks of the Native Labour Commission:

"In regard to industries, other than mining, the Commission feels that the employment of migratory labour, either in the form of extra-territorial and northern labourers or of seasonal recruits from the local Native Reserves in the Territory, makes for inefficiency in building up a skilled labour force, is uneconomic in view of the distances which such recruits have to travel every year, is unsettling in that it leads to employees leaving their existing employment in order to go to the more lucrative seasonal employment, and is undesirable from the social and moral points of view. The Commission, therefore, suggests that the Administration should encourage the local authorities in whose areas industries are carried on and the industrialists themselves, to aim at a state of affairs where their employees will be permanently resident and properly housed in the areas in question" (paragraph 86).

Government

In most of the Reserves of the police zone, a European welfare officer is stationed in the Reserve, who serves under the Native Commissioner stationed at the district administrative centre—a European town or village. The welfare officer "is responsible for the administration of the reserve regulations, allots residential sites, sees that pumping plants, buildings, fences and roads are kept in order, and he brands the stock. In his work of general development of the Reserve he is assisted by a Native Reserve Board of which he is chairman and which consists of the headman and up to six additional Native members elected by the Natives. This affords the Natives direct participation in the management of their affairs, and is basic in the Mandatory's Native policy both in the Union and in the territory" (Administration's report for 1946). The Board members operate on a ward system and travel by horse or donkey cart and even by motor car. They help with the agricultural census, registration of births, and deaths, care of fences

Mines, works and industries: 1/- per shift for first year; 1/6 per shift for second year, if with the same employer.

Town work (other than above): 20/- per month for first year; extra police zone Natives: 25/- per month for second year, if with the same employer.

Local Natives: 35/- per month for first year plus food and accommodation; 70/- per month for first year; no food and accommodation; 45/- per month for first year; plus food only; 40/-, 75/- and 50/-, respectively, for the second year with the same employer.

The actual scales applicable since 1 May 1951 are as follows:

and dams, issue and record of passes and, in one Reserve at least, deal with domestic troubles, including the disciplining of children. They are paid £1 per month, the headman receiving £2 per month.

For each Reserve, a trust fund has been set up into which all revenue is paid and the Board is consulted on the expenditure. The following is an example of trust fund estimates for the year 1950-1951:

<i>Revenue:</i>	
Grazing fee.....	£1,000
Rentals	60
Trust revenue.....	18
Dog tax.....	20
Dairy fees.....	15
Sundry: vaccine, sale of cement, etc.....	60
Levies	—
Balance from 1949/1950.....	830
	<hr/>
TOTAL	£2,003
<i>Expenditure:</i>	
Administration	£ 300
Capital—water supply.....	150
Maintenance—water supply.....	350
New construction.....	70
Maintenance—roads and fences.....	60
Purchase of livestock (bulls).....	250
Purchase of vaccine.....	50
Purchase of agricultural equipment.....	40
Sundry	30
	<hr/>
TOTAL	£1,300
	<hr/>
BALANCE	£ 703

Headmen appear to have little influence and would not be capable of exercising judicial functions. The Herero are divided in their loyalty; the Damara cannot agree upon a chief; and the Nama chiefs were abolished long since; headmen and boardmen, appointed by the Administration after election by tribesmen, do, however, exercise a certain amount of tribal authority.

In only one of the Reserves did I find a ward committee assisting the board member, and here, apparently, the Board member and the committee together exercised discipline in domestic matters. The absence of so many of the able-bodied men in employment outside the Reserves makes the development of tribal authority a hopeless business. It is only where the bulk of the men of the tribe can be full-time residents in a Reserve is it possible to have effective tribal authority.

In Ovamboland, Okavango and Kaokoveld, there are chiefs and headmen who exercise greater authority, having judicial functions. Tribal councils of headmen hear appeals from head-

men's courts, while the Native Commissioner's court hears appeals from these latter. All cases, except murder and rape, are dealt with under Native law and custom. Trust funds are operated in these areas also.

In the urban areas, Native advisory boards with European chairmen function as in the Union.

As in the Union, the participation of the non-Europeans in local government in the police zone is rudimentary, and it is by no means easy to see how it can be made more extensive and effective unless and until their social and economic life has been integrated into a stabilized society.

The non-European population of South West Africa generally is under the care and control of the Chief Native Commissioner (who is also the Secretary of the South West Africa Administration) and, under him, the hierarchy of Native Affairs officials. There is no doubt that all take their duties seriously and carry them out with conscientious care. But there are limiting factors. The first is the indifference, if not the hostility, of the non-Europeans towards schemes for the improvement of land and livestock. Their inertia is difficult to overcome, more especially because the most energetic and ambitious have left the Reserves. The second is the inadequacy of the funds available for development—for men and materials. The Administra-

tion in the past has been handicapped by the inadequacy of its financial resources and there have been times when it has been seriously embarrassed financially. The third has been the lack of a policy and programme related to the general economic and social changes taking place and likely to take place in the Territory. The fourth is the lack of a strong public opinion favourable to the social and economic advancement of the non-Europeans and to the expenditure of money on this object and of agencies independent of political control able to voice the needs of the people.

The Union now faces a world that is highly critical of the attitude adopted by its Government towards its mandate and of its treatment of the indigenous population of the Territory. It has been the purpose of these notes to divert attention from international disputes to the practical measures that can and should be taken for the more effective carrying out of the trust which the Union has assumed, and to ask that citizens of the Union and the Mandatory Territory shall together accept responsibility for the discharge of the obligations of the trust.

J. D. RHEINALLT JONES

14 November 1951,
Johannesburg

Appendix V⁶

LETTERS DATED 26 AND 29 OCTOBER 1952, FROM THE REVEREND MICHAEL SCOTT, ADDRESSED TO THE CHAIRMAN OF THE FOURTH COMMITTEE, TRANSMITTING THE CONCLUSIONS OF THE CHURCH CONGRESS OF THE DUTCH REFORMED FEDERATED AND MISSION CHURCHES ON THE NATIVE QUESTION

The Africa Bureau
69 Great Peter Street
London, S.W.1
c/o International League for the
Rights of Man
756 Seventh Avenue
New York, N. Y.
26 October 1952

In connexion, firstly, with the question of what matters may properly be considered as subjects of petition concerning South West Africa, and having regard to the terms of reference of your Committee whereby it is authorized by the General Assembly to examine petitions "as far as possible in accordance with the procedure of the former Mandates System", it may be appropriate to recall the following extract from the "Summary of the procedure to be followed in the matter of petitions concerning mandated territories" (Permanent Mandates Commission minutes XII (1927), pp. 176-178 League of Nations document C.P.M. 558 (1)):

"The Permanent Mandates Commission is also guided by the following principles in determining its competence in regard to petitions. . . .

"(c) It may happen that in a legal action the plaintiff against whom the decision has been given may be only entitled to appeal to the Commission to ask it to determine, not whether the Courts whose decision has gone against him have correctly interpreted the legislation of the Mandatory Power, but whether this legislation itself is in conformity with the principles of the Covenant and of the Mandate.

"(d) It is also possible that the absence of legislation on a given matter may render a petition admis-

sible if the principles of the Covenant and of the Mandate called for such legislation and if the Mandatory's failure to legislate on this point may have the result of depriving a petitioner of rights which he could legitimately claim under the terms of the Covenant or the Mandate" (Minutes of the Sixth Session of the Permanent Mandates Commission, pp. 168-169, C.386. M.132.1925).

The principles here set forth appear to make it competent for your Committee to examine legislation enacted in South Africa in recent years and applicable in South West Africa in accordance with its policy of *apartheid*. I should therefore like to submit, for the examination of your Committee the provisions of a number of recently enacted laws affecting the status, sovereignty and constitution of South Africa and South West Africa and the absence, on the other hand, of provisions, e.g., in the South West Africa Act, for continuing the obligations of the Mandate and the right of petition of the inhabitants. There is the absence of any provision for international supervision and for safeguarding the inhabitants of South West Africa from the application to their Territory of discriminatory laws enacted by the South African Parliament; there is also the absence of adequate provision for their social and economic well being. There is the current controversy regarding the High Court of Parliament Act which is designed to make certain constitutional questions effecting South Africa and South West Africa subject to the jurisdiction of a "High Court of Parliament" to be appointed by Parliament, as opposed to that of the Supreme Court of South Africa whose jurisdiction in constitutional issues has hitherto been unquestioned. There is the Group Areas Act designed to control ownership and occupation of property in specified areas according to "ethnic group" membership, the Native Authorities Act and a number of other

⁶The *Ad Hoc* Committee on South West Africa is bringing to the notice of the General Assembly only those parts of this communication which relate to South West Africa.

measures relating to the registration of populations, franchise and freedom of movement which have the effect of discriminating against sections of the population on grounds of their race in pursuance of the policy of *apartheid*.

Lord Hemingford who is now chairman of the Africa Bureau, which I represent in addition to the International League for the Rights of Man, has petitioned that your Committee examine a report of the South African Institute of Race Relations on the "Administration of South West Africa and the welfare of the indigenous population". This has been forwarded to the Director of the Division of Trusteeship. Further to this, I would request your permission to submit for the examination of your Committee the text of the measures referred to above so that your Committee may ascertain whether these are in conformity with the principles of the Mandate and whether any modifications are thereby implied in the status of the inhabitants and the territory of South West Africa.

It may be that a Commission should be appointed by the United Nations to examine the whole structure of *apartheid* into which the mandated Territory of South West Africa is now being drawn and also to clarify at this important moment in Africa's history the theological and philosophical as well as the political and sociological implications of *apartheid*.

It would also constructively assist the inhabitants of the Territory and the Government if your Committee could examine or recommend positive proposals whereby the evils of racial discrimination could be progressively eliminated, and could suggest ways and means by which the specialized agencies of the United Nations and the International Bank could assist in the formulation of practical projects towards social and economic betterment and the realisation of the purpose of the Mandate.

I should be glad to forward, also, other factual material including a statement by the Dutch Reformed Federated and Mission Churches of South Africa.

(Signed) Reverend Michael SCOTT

The Africa Bureau
69 Great Peter Street
London, S.W.1
October 29th, 1952

Enclosed herewith is the statement referred to as one of the enclosures in my letter yesterday "The Native Question: The Conclusions of the Church Congress of the Dutch Reformed Federated and Mission Churches in connection with the Native Question, held in Bloemfontein, 4 to 6 April, 1950".

(Signed) Reverend Michael SCOTT

STATEMENT

THE NATIVE QUESTION

The conclusions of the Church Congress of the Dutch Reformed Federated and Mission Churches in connection with the Native question,

Bloemfontein, 4 to 6 April 1950

Translator's note

This book, *The Native Question*, consists of six different approaches to the racial policy in South Africa, which are all reasoned out in various articles. The six aspects in order of presentation are:

- (1) Ecclesiastical (p.18);
 - (2) Educational (p.42);
 - (3) Social (p.81);
 - (4) Economic (p.116);
 - (5) Political, with appendix on communism and the native (p.150);
 - (6) Medical (p.167);
- General conclusions (p.170).

The book concludes by a radio talk by Professor Dr. G. B. A. Gerdener, which was a greetings message to all people attending the Ecclesiastical Congress of the Dutch Reformed Church in South Africa.

A condensed translation of the pages above-mentioned follows, but it is felt that the explanation given under each of these six headings should be read to arrive at a fair appreciation of the point of view of the Dutch Reformed Church.

(Signed) Gordon HOWARD

1. Ecclesiastical (p.18).

The spreading of the Gospel and its practice in all departments of life must be the first aim in our missionary work. Education, social welfare must always keep this in view, also the way we deal with our racial programme. The application of the word of God must be according to rule and purposeful, and the spreading of this word and deed must be undertaken by every believer, now, more than ever, with the utmost vigour.

When dealing with our colour policy we must keep in mind our history, including the decision to start separate churches and schools for the white and non-white population.

The Church issues an appeal to its sons and daughters to offer themselves for service in great numbers to be trained as leaders of their own racial groups.

As far as a scriptural basis of the intention of a separate and independent development is concerned, the Congress is of the opinion that there are basic ideals in our present ecclesiastical evolution, especially the ideals of being different yet united, and those of vocation and destiny. The last-mentioned applies to being oneself as well as to being one with the struggle to lead cultural and religious lower species to their own destination, according to their own needs and capabilities. Since the Congress realises that it is everybody's duty to explore the Holy Scriptures, and also to pray constantly for a lasting settlement in our social conflict, it declares that we all must start in our own hearts, houses and neighbourhood to exercise the principles of righteousness, Christian love and tolerance (Ref. Matt. VII: 12). After all, self development is nothing more than a road along which we go to bring each population group to its full right; the right of all of us to be children of God's Kingdom and respected citizens of our country. When our aims and willingness are right, our means and methods, although differently applied, will be more efficient.

The right of no man may be denied to him, and in no walk of life can there be a question of perpetual servitude. In the text of Rom. XV: 1, and of Cor. VIII: 9-13 the stronger man has a duty towards his weaker brother. The Holy Scriptures, however, also show that the lesser man has a duty towards his Master (as a child towards its parent or guardian). The rights of men must keep in step with their growth and their feeling for responsibility and duty, with a view to ultimate self-rule.

With the help of the Holy Scriptures we have the duty to pass on the Gospel to our servants and manual workers, by work and deed through the medium of prayers in the home, in daily life, through the passing on of the Holy Word and the supporting of missionary work. Especially in farming communities, missionary work can have great value and bear rich fruits.

The Congress expresses its concern at the great amount of separatist movements that exist among the Bantu and mentioned this fact to the Federal Missionary Council for their special study.

The baptism of the heathen with which we are concerned must take into account the special characteristics of races and peoples, especially the language and mental capabilities of those amongst whom we are called to pass on the word.

The behaviour of the Christian, of whatever race he may be, may have no place for hate towards other races. Even though this may ask for high demands on his tolerance and goodwill, it must be applied with a wish to understand each other and to help each other to do away with all feelings of suspicion. The Federal Missionary Council has been asked, together with the Government, to find the best ways and means to further a spirit of mutual trust and respect between the white people and the Bantu.

As regards unwanted and frictional attitudes between the races, as aforementioned, the Congress requests all Christians, whites and non-whites, to act in the spirit of Christian responsibility, self-restraint and courtesy.

The unity of all believers in Christ is a reality and not just a saying. This must be altered in a deed of mutual respect and mutual trust. We must try to practise to live in a real religious community. No individual, no individual people, live for their own benefit.

The belief in the development of each individual section which we want, and which also is the basis of our constitution as laid down in 1936, is not a static thing but a dynamic one in its own special development. This denotes a process of development which each group of peoples seeks to bring them under God's merciful reign in the surest and quickest way. This is a means to the goal of self-governing status. This takes into account the eradication of clashes and friction, of unequal and unhealthy competition between more and less educated peoples. Only when the less educated man, also in ecclesiastical matters, has found his feet and has accepted his lot, can we really extend to each other the hand of spiritual unity; when everyone has pooled what nature and God has given to him, to mutual enrichment, then we will all become adult and a symbol of the greatness of Christ (Eph. IV: 13). On the way to this goal we must learn to believe in each other because we believe in God and His personification in Jesus Christ.

The Congress requests the Federal Missionary Council to do everything in its power to persuade the Protestant Churches in South Africa to see that in future there is no overlapping in the setting up of new congregations amongst the Bantus.

Since the small Dutch Reformed Church of Natal is not in a position to undertake missionary work amongst Indians, Coloureds and Zulus, the Congress requests earnestly that all three African Churches in South Africa shall start a great missionary movement to convert Natal, so that we can take especial responsibility for the mighty Zulu nation. (This must serve as the lasting fruit of this historical Congress). For this purpose there might even be formed a joint missionary council, to look after the interests of all Churches.

This point is passed on to the Federal Missionary Council.

The Congress takes notice of the fact that our Bantu communities consist of 70 per cent of women members. Men and sons stand aside, and they are the people who influence the Bantus. Why is this and what can be done to change the situation? This information has been passed on to the Federal Missionary Council.

The Federal Missionary Council has been requested to formulate precisely and concretely what there is in the spiritual possession of the Bantu in the Union of South Africa which the Christian missionary can approve; also what can be kept so as to preserve the racial characteristics of the Bantu, and even to promote these.

As only the future can tell whether or not the younger Bantu Churches in South Africa must be formed according to ethnological or etymological distinctions, the Congress requests the Federal Missionary Council to find a way, especially with a view to issuing suitable literature for Church and school.

The Congress issues an appeal to all churches with the same doctrine to form a united front for the conversion of all heathen in our country and instruct the Federal Missionary Council to take the necessary steps to arrive at this idea.

The South African Bureau for Race Relations (SABRA)
In view of:

(a) The seriousness of our race question, in particular the Native race, and the deep-felt need for positive leadership and a code of behaviour on this race question;

(b) The need that there should be a permanent organization fully occupied with studying the above-mentioned problems, with the issuing of information and of definite action, to the advantage of whites and non-whites;

(c) The fact that SABRA, as is shown from its act of foundation, has been called into being to fulfil a deep-felt need and has already done useful work for this cause, and that it has offered its help to the Congress with its decisions;

The Congress now wishes to express its trust in and to give its help to SABRA, and issues an urgent appeal to all Congress delegates and our people to help SABRA in every possible way.

2. Education (p.42)

1. The Congress accepts the axiom that the education of our Natives in accordance with their own capabilities is to be wished for not only as necessary for themselves, but so that, in the great need of the country, they can fulfil their role as a civilized community in the economic structure of the country as a whole.

2. The Congress is informed that in South Africa, as in most colonial countries, education to the Natives has been given by the Church and it praises all the missionary workers who with unselfishness, have done this duty, of elevating the South African Native, and of promoting good race relations between white and non-white.

3. The Congress is, however, also informed that the education of Natives, as done by several missionary churches, will lead more readily to the disunity than to the unity of Native societies, and, therefore, is in contradiction to the guardianship which for many years has been accepted in South Africa.

4. The Congress agrees that a Native educational programme which has been evolved under colonial conditions has no right to existence within the sovereign Union of South Africa and that the Union therefore owes it to itself to replace it by a system which is in line with the country's position, and which will serve the real advantage of our Natives.

5. The Congress therefore recommends that, since the costs of Native education are nearly completely borne by the State, the State should also accept complete responsibility.

6. The Congress recommends therefore that, since:

(a) This is the wish of the vast majority of the Natives;

(b) Unity of political direction and educational direction is impossible in any other way; and

(c) That this, in view of our current financial commitments, will make no essential change;

it requests the Government to take over the direction of Native education from the various churches to which it has been entrusted.

7. The Congress also recommends that the change over of church schools to State schools should take place as smoothly as possible, but with the proviso that to no denomination and to no single category of school shall be given exception of submission.

8. The Congress recommends that the State should give reasonable compensation for school buildings to the several churches which have schools and educational institutions.

9. The Congress reasserts that the education for Natives should be built on Christian foundations which have been laid down by the Church and that satisfactory arrangements should be made to keep its Christian character and even to extend it.

10. The Congress asks that in Native education there should be ample possibilities to make useful citizens of the pupils so that they can build with their hands and their intellects a healthy economic position in their own circles and in the country as a whole.

11. The Congress desires also that, especially in Native settlements, there should be instituted educational facilities which will improve progressive Native communities.

12. The Congress is of the opinion that Native education can only reach its goal when it is in conjunction with proved principles of education, and in conjunction with the practice that has been followed by the white population through the means of their mother tongue.

13. The Congress therefore recommends that Native education, since:

- (a) It has to be built on the Native's own character;
- (b) It naturally has to be in an organic link with the wider Native policy of our country;
- (c) The financing of this takes place directly from the Union exchequer and not from provincial funds;

should not any longer be a provincial problem but should be under Union direction.

14. The Congress therefore requests that the various bodies serving the Natives should be co-ordinated and that expenditure on these should be more equal than is now the case.

15. The Congress states as its view that the education of the Native through primary, secondary, trade, technical and university channels should be large and sufficient to prepare him completely for the service of his people.

16. In agreement with the Government's policy of separate, uninterrupted and independent education of the Bantu, which leaders in every walk of Bantu life consider is a *sine qua non* for the realization of the ideal, the Congress respectfully requests the Government to create separate, though complete, university facilities for the Nguni and Sotho groups in their different racial communities. We therefore ask the Government to take the initiative and, as far as possible, the financial responsibilities, since:

- (a) The Government as guardian of the Bantu has a special duty towards them;
- (b) The Bantu himself has not the capacity to do it;
- (c) It is not in favour of our policy that otherwise this very important matter should be left to private initiative.

17. On the ground of the two following principles, namely:

- (a) The ethnic principle or the principle of guardianship of the white man towards the Native; and
- (b) The psychological-educational principle, or the principle of counter-balance of the Native to sharpen his wish for independence and sense of responsibility;

we want to state that the more independent and wealthy the Native becomes, the white man's financial responsibility will become less and will eventually be the burden of the Native as far as education is concerned. We accept the fact that there are so many needs which have to be fulfilled that the white man's financial responsibility, as far as concerns the spreading of a constructive policy of *apartheid*, will in the beginning be more likely to increase than to diminish. We certainly will not have reached the optimum yet and must therefore not shrink back. However, we want to stress that all possibilities of making the Native pay, as far as he can, for his education must be tapped. Therefore, we must use his possibility of labour to the utmost—he will only appreciate this when he has earned it, either by payment or by work.

18. The Congress suggests that the whole question of Bantu taxes should be investigated in order that they may give more services for themselves.

19. With a view to better understanding and greater co-operation between the different races in our country, the Congress would suggest to our youths at university and school to give more thought to the study of the Bantu languages and the ways of life of the Bantu. This suggestion has been passed on to the Federal Missionary Committee for action.

20. The Congress appreciates the coming of representatives of Southern Rhodesia and other areas outside the Union and assures them of their moral support.

3. Social (p.81)

1. A great measure of disintegration in the social order of the Bantu has already started, very often because of ignorance on the part of the whites with whom the Bantu comes into contact. The whole idea was to disintegrate and to sever the Bantu from his own way of life and habits.

2. This disintegration process has resulted in the loss of moral values and norms and because of this we get confusion through which very serious problems arise. These will become greater in the future if there is not a sound graft between elements of culture of the Bantu which are worth keeping and of western culture. A new social order must arise which will have greater stability for the individual and the family.

3. As our goal we must maintain Bantu life as far as possible, and realize and develop what has already been lost. Where their practices are sound and can be kept, we should build and extend. Where a new graft is needed, this should be done with authority and as carefully as possible.

4. Consideration has to be given to the factors that bring disintegration, and in the light of these we must make our future policy. One of the most important trends in this case is undoubtedly the movement towards the towns by the Natives and the fact that a united people will have great difficulties in developing under present economic conditions.

5. Because of the strong link between economic life and social life, a sound social life is only possible when we give to the Native in the Reserves full economic powers by developing the Reserves on a large scale.

6. The Reserves must be made so that they really belong to the Natives. Conditions must be fostered that should be especially favourable for the development of a sound family and social life. The Reserves must be made desirable so that the Natives will not be enticed to the towns. Conditions must be so that he will be happy and content there, and will be in a position to live his own life fully. Therefore, in the Reserves we should have all conveniences and services, also the possibility of trained Natives to serve amongst their own people.

7. With a view to the Natives who live in places where white men live, the Congress wants to state its appreciation to the farmers who supply lodging facilities for their workmen; and it requests those farmers who have not done this yet, to do so.

8. With a view to the natives living in towns, it must be remarked that there is such an unbalanced influx of Natives there that the problem is nearly insoluble. It is essential that, as a guiding principle, the present town communities should as far as possible be kept white. This axiom is the essential opposite to the point of view that the Reserves should be the national home of the Natives.

9. The first necessity therefore is to set up the necessary machinery for a better control of Natives movement into the towns. Without that, the problem cannot be solved. Labour exchanges, such as, for instance, the law regulating Native labour which has been promised, must be called to life so that we can get a good idea of the demand for labour in the country and can couple this with the influx and exodus. Surplus Natives must be given work in their own districts.

10. We must give thought to a decent housing system for Natives living in town communities. Two aspects of the housing problem must especially be viewed, i.e., the necessity to find a cheaper method of housing, and that the employer should carry part of the financial burden.

11. We must also give thought to the housing of ethnic groups in separate areas and, as far as this is practically possible, we must try to make the Natives responsible for the maintenance of order in their own communities.

12. Social services must be made available to Natives in town communities. In this case we must give particular attention to the use of leisure, to youth clubs, to the fighting of crime (especially juvenile delinquency), as well as to the employment of Natives as social workers in the health services and nurseries for small children, etc.

13. The Congress stresses the necessity of the rehabilitation of the individual as an integral part in the building of the people.

14. Beer gardens. The Congress hears with horror of the evil practices which have come into being in some towns in beer gardens for Natives on Sundays, and it requests the municipalities concerned to close these beer gardens on Sundays, as this contributes to the disregard of Sunday and the break up of family life; and to start a thorough search into the possible root of drunkenness on Sundays as well as on weekdays.

15. Generally speaking, we must do everything to make racial inter-mingling impossible in all walks of life.

16. Finally, the Congress contends that it is the duty of the Church to spread the word of God and to extend this in all walks of life, reforming and uplifting (as has been done in educational services and hospital services) and to work for a sound home and social life amongst the Natives.

4. *Economic* (p.116)

I. The Congress has come to the following conclusions:

IA. The present economic position

1. The economic life of the Bantu which, in the early days, gave him an adequate livelihood has been shattered because of:

(a) The segregation of Bantu Reserves (the nomadic economy can no longer be practised);

(b) The intimate contact of the Bantu with the white economy during the past 150 years, especially in the last sixty years;

(c) The westernizing influence on the Bantu, which has been given to them through education.

2. Contact with whites has moulded a western way of life for the Native; it has developed western needs, and his economic system has nearly completely been westernized.

3. Therefore, the Natives' economic system has changed from a primitive land economy in the direction of western capitalism.

4. They have therefore the same ideals on economic grounds as the whites.

IB. The industry of the whites

1. The industry of the whites is founded on great amounts of unskilled native labour.

2. The whites defend themselves by means of a legal and conventional colour bar.

3. The colour bar is a serious obstacle to the economic development of the Natives; doing away with it will make serious dangers for the white worker and for the future life of the white race.

4. The integration of Natives in our industry will bring about a process of growing together of white and black in this country and this will develop so that the whites will become the white aristocracy and the Native the black proletariat of the new mixed people in South Africa.

5. Such a development would bring serious dangers for whites as well as non-whites in this country and the healthy relationship between these two races will turn to strife, clashes and bloody fights on one side and a biological coming together (blood mixing) on the other side.

II. The Congress stresses as its opinion that the only lasting solution for the race problem as far as white and black is concerned (also on economic questions) is in a final, complete segregation of white and non-white and a differentiating economic development for the Native in his areas.

In order to start with the principle of segregation, the Congress asks the Government to nominate a commission of inquiry, comprising experts on several aspects of the problem (clerical, educational, social, economic, political, legal and medical), in order to collect facts about, to investigate, and to make recommendations on, all aspects which refer to the

planning and passing of such a policy of separate development.

The Congress consider the following principles should be the basis for the investigation of the above-mentioned commission:

IIA. Reorientation of white economy

1. Future employment of the floating Native labour by whites must be kept to a minimum and must be regulated by a system of labour exchanges, so that the supply and demand of labour is regulated.

2. The settled Native labour must gradually, and according to good planning, be locked out from the industry of the whites, and then made productive in their own native industries.

3. The process of locking out native labour must go hand in hand with a process of letting in white labour which can be done by the following means:

(a) Increase of white population by stimulating the birth rate and by employing immigrants who have been vetted;

(b) Employment of youth in national service, so that they may learn the nobility of labour;

(c) The productive use of the poor whites, who are at the moment living miserably on the dole;

(d) The further mechanization of all types of work, including farming in South Africa, in order to boost production;

(e) Education of white workers in order to get greater productivity now and in the future;

(f) The use of labour on a co-operative basis in agricultural work and the organization of white labour groups.

IIB. Reorientation of Native economy

1. The distribution of ample land for the development of the various national Bantu groups as self-sufficient economic units. (The quota of ground which the 1936 law promised to them must be given to them according to their circumstances and so much additional ground as is deemed necessary for their future healthy development. This is the sacrifice that the white man must make in order to reach racial peace and the continuation of both groups.)

2. The best possible use of the available ground by developing Native areas on a large scale.

3. The institution of area development corporations connected with the Department of Native Affairs (like the scheme of the Tennessee Valley Authority in America) so that territories can be quickly developed.

4. Opposing the primitive farming methods of the Bantu, and the rehabilitation of the damaged areas under supervision and leadership.

5. The institution and vigorous development of suitable industries in Native areas and the giving of the chance to the Natives to reach the top in these industries in accordance with their ability.

6. The supplying of education to the skilled Native labourers in order to make them more skilful and to increase their productivity.

7. No non-Natives should be allowed to take up a profit-making industry in Native settlements, except when, by decree of the State, their presence is wanted for the development of the Natives.

8. The Congress also feels that the speedy union of the British Protectorates with South Africa is absolutely necessary in order to make full use of the plan above, because it would be a pity if the Natives of the Protectorates were not able to share the benefits of this new positive programme for their development.

5. *Political* (p.130)

1. The Congress is of the opinion that political equality will have a healing influence on the moral and religious life of the Bantu; furthermore, that self-help and ultimate freedom could be helpful allies to a self-ruling, self-sufficient and ex-

panding Church. Some communal accent in the policy of government of the Bantus could help to counteract all exaggerated individualism in the western idea of Christianity and to stress the social aspects of this religion. On the other hand, all artificial and slavish acceptance of the white form of government could have a bad influence on the natural growth of the young churches.

2. The Congress states as its opinion that the Native problem should be kept above party politics.

3. The political future and social and economic organization of each race—also the Bantu—is most important.

4. An uncertain, ill-considered policy on this aspect is a wall of foment and hate between races. This is fertile ground for all sorts of evil thoughts, for communism and for agitators.

5. The present situation is not only misleading, but dangerous; because most Natives do not know where they will eventually be led on political matters and therefore have a good deal of false hope.

6. There are two main policies, as explained in the book of the Referaat on page 121:

(a) Separate development;

(b) Eventual intermingling.

7. The policy of eventual intermingling is rejected because it will lead to unnecessary clashes between the two races, will dig the grave for the future of the white race, and will therefore be of a great disadvantage to the Christian culture in Africa. Therefore, this would have a bad influence on the healthy growth of the Bantu.

8. The policy of separate development is accepted as being a healthy basis on which white and Bantu can live happily together without the interests of one clashing with those of the other, and without the one looking upon the development of the other as something dangerous to themselves.

9. The political future of the Bantu should be clearly and lucidly pointed out as a long-term policy.

10. In his own territory the Bantu must be led to his full national status according to his own national background, backed by Christian culture.

11. We should make certain that the Bantu in his territories develops in accordance with Christian principles and that the organization, in all ways of life, should be in accordance with the Christian ideas of freedom, righteousness and fairness. We should especially watch freedom of religion and conscience.

12. The Bantu should be taught that he cannot ask for political rights in white territories, just as the white will have no political rights in Bantu territories.

13. The Christian guardianship should be maintained for as long as is necessary for the happiness of whites and Bantus.

14. The whole administration of Native affairs should be reviewed and re-organized on the best possible basis. The Congress is of the opinion that the Natives should be increasingly employed in the administration of Native affairs in their own territories.

15. We should immediately make a start with the forming of a permanent planning committee which could give positive leadership for the planned development of the Native territories.

16. The Congress hears with misgiving that there is a growing tendency in large parts of our country to buy farms and land and to leave them empty under the care of Native families who are posted there; the Congress passes this point on to the Federal Missionary Council and asks it to give its point of view.

17. The Congress requests the Government, when rehabilitating the existing Bantu Reserves or expanding them, to give land for Church buildings to the recognized churches if they need it for the care of their communities.

18. The African Church on this point has also a very important task and mission. With its principles of right and fairness it should do its very best to lead the way toward happiness for all races and to glorify the Almighty.

5A. *Communism; its danger* (p.150)

1. The Congress states that communism is harmful to the people because:

(a) Communism is an atheist deviation which not only is in contradiction with the Holy Scriptures but also with the law of the Union, which definitely rests on Christian principles and accepts the leading hand of God in all State affairs.

(b) The Communist Party is a party which shows loyalty towards a foreign Power; it is in the land but not of the land.

(c) The Communist Party is a trouble-maker not only between classes but between races. Through its work of inflammation and hate it undermines the fundamentals of Church and State.

2. The Congress denounces the policy of social equality, assimilation and blood-mixing between whites and non-whites, since this is done to destroy racial purity and racial difference which God has made. This will mean death to the Christian culture of South Africa and will also destroy the good and racial characteristics of Bantu life.

3. The Congress requests the Government to outlaw communist propaganda.

4. The Congress requests the Government to decree that a person in employment of the government or in an educational position who is spreading communism is contravening the law.

5. The Congress requests that the present law on the agitation of the non-white population against the white should be strengthened.

6. The Congress issues an appeal to the Government and the people of South Africa to better the social and economic position of the non-white workers, and so take away the grievances which are the breeding ground for communism.

7. The Congress is of the opinion that an active and positive policy of development of the Bantu in their separate national institutions will form a strong obstacle against the spreading of communism and therefore requests the Government to accept such a policy and to go ahead with it.

8. The Congress is also of the opinion that the spreading of the gospel, including rigorous missionary work and country-wide missionary action, will be the mightiest obstacle to communism.

9. The Congress demands of the Federal Missionary Council that, in order to start counter action against communism and to propagate our work, it should ask:

(a) The SAUK to allow radio broadcasts for this purpose and to improve transmission for the Bantus, especially on religious matters;

(b) The churches concerned to start as soon as possible a wide and active financial appeal.

6. *Medical* (p.167)

1. The Congress advises the government to give thought to an extension of health services for the Natives, with special thought to the following two problems:

(a) Ample distribution of nutritive kinds of food to all Natives, especially for the youth now growing up, thus helping the Natives to be in this matter as far as possible self-sufficient;

(b) Introducing healthy recreations for the Natives in those parts where it is necessary for their health and well-being.

2. The Congress advises that the churches in conjunction with the government should enlarge their organization against social evils—prostitution, drunkenness and general lowering of morals, which are responsible for the spreading of venereal diseases and for the huge increase of these diseases among the Natives.

3. The Congress advises that the government should propagate health instruction to the adult Native as well as to the school-attending population.

4. The Congress learns of the laudable steps being taken for the training of personnel in non-white, medical and health

services, but, since the first condition for these services is trained personnel, the Congress requests the Government immediately to make these services available so that the most pressing needs can be fulfilled as soon as possible. These services should take into account the nature and situation of the Native and must eventually be founded in an adequately equipped Native university.

5. The Congress learns the startling fact that Natives who suffer from silicosis and tuberculosis are sent back by the mining companies to their homes. Since this way of treating them is the reason for the spreading of tuberculosis in Native territories, the Congress wants to request the Government to stop this immediately and to take adequate steps for the separation and treatment of these tubercular infected Natives.

6. The Congress requests the Government to take stronger measures in counteracting tuberculosis and venereal diseases.

7. The Congress advises that the present system of district physicians should be made into a permanent service and that this service should eventually lead to an organized health centre.

8. The Congress instructs the Federal Missionary Committee to ask the Government to make a serious attempt to fill the gap in children's birth and death registrations.

7. The Congress advises that institutions for Native blind, deaf and disabled should be started.

10. The Congress advises that universities with a medical faculty should be instituted in Native territories.

Note: Congress passes No. 11 (Government Control) (a), (b) and (c) to the Federal Missionary Committee for consideration and action.

11. *Government control:* The Congress wants to thank the churches, missionaries, doctors, nurses and State departments for what they have already done to improve the health of the Bantus.

The Congress comes to the conclusion, that although the Church up till now has looked upon this as one of its special tasks, to give medical help to the Natives, this task under present conditions and especially under a progressive policy of development for the Natives, is too large. It therefore advocates the following:

(a) Since it is the duty of the State to look after the medical, health and hospital services of the Bantu in South Africa, the Government is requested to take this up vigorously;

(b) That all services amongst the Bantu should be placed under a separate branch of the Union Department of Native Affairs in order to consolidate and co-ordinate them;

(c) That it is the duty of the Church to work together with the State and work out the principles of this service.

General conclusions.

1. In the deep realization that the only true and lasting solution to the race problem must rest on a Christian basis,

the Congress earnestly requests the people of South Africa to pray for the politicians who must give the leadership and to dedicate their cause to the Almighty.

2. The Congress strongly holds the opinion that to reach a right racial relationship can best be done by missionary work amongst the Bantus, and that it is the holy call to every South African to take part in the task that God has put upon us.

3. The Congress has taken note of the terrible situation amongst the Bantus in their ecclesiastical, social, economic and moral life, and the threatening danger inherent in this situation; it has again come to the conclusion that the only saving possibility is the cross of Christ and the tidings of freedom through the blood of Christ. It wants to put a call upon all churches present and through them the Afrikaners to start a renewed vigorous, unselfish, missionary activity, through which every member of the Church and population will do everything to bring the message of evangelism to every heathen heart. We order the Federal Missionary Committee to make this decision known to Church and people.

4. Knowing the serious situation existing within the borders of the Union as well as the Protectorates (because a great number of the Bantus are still completely unevangelized, or are under the pressure of people who are hostile towards our ideals and also in some measure, towards the Protestant teaching) the Congress appeals strongly to the Federal Missionary Committee to start immediately the necessary investigation amongst Natives and to put a programme for action before the African churches.

5. Since this Congress has been called together by the Federal Missionary Committee to propagate the benefits of the missionary churches, it wants to state as its opinion that, in having a parallel evolution of European and Bantu culture, it is the duty of the guardian to see to it that the benefits of the Bantu are never lost sight of. Here the Congress wants to state its appreciation of sections of our missionary Church which, in the midst of undermining trends of thought, have kept faithful to God and his word, and to assure them that it will always have the interest of the Bantu population at heart. May the Lord help them with his spirit so that they more and more may be the salt of the earth.

6. The Congress issues an appeal to the African churches to help the Federal Missionary Committee financially so that they will be able to finish this work as soon as possible.

7. In order to enable the Federal Missionary Committee to fulfil its purpose, the Congress requests the Committee to start immediately employing a full-time Federal Missionary Secretary, who will specialize in making propaganda for our cause abroad. Delegates when returning to their homes are requested to ask their missionary secretaries to make a special collection so that a full-time secretary for the Federal Missionary Committee can be employed.

Appendix VI⁷

LETTER DATED 5 NOVEMBER 1952, FROM THE REVEREND MICHAEL SCOTT ADDRESSED TO THE CHAIRMAN OF THE *Ad Hoc* COMMITTEE ON SOUTH WEST AFRICA

The Africa Bureau
69 Great Peter Street
London, S.W.1
5 November 1952

the Africa Bureau, of 23 October, I am enclosing herewith these documents for examination by your Committee or by a special commission as requested.

In asking for this commission I would like to remind you of a letter from Chief Hosea Kutako of South West Africa to the Chairman of the *Ad Hoc* Committee on South West Africa following the refusal of the Union Government to allow him to leave the country to be heard by the Fourth Committee in Paris and which stated:

⁷ The *Ad Hoc* Committee on South West Africa is bringing to the notice of the General Assembly only those parts of this communication which relate to South West Africa

"We are very much worried by the attitude of the Union Government in connexion with the case of South West Africa. We humbly ask the United Nations to send us an impartial commission so that we may meet the Government of the Union of South Africa and then furnish the commission with undoubtful facts as to the conditions and wishes of the indigenous people. Because we have nothing to hide we leave it to the Union Government to choose the place where we may meet provided that the United Nations commission is present and that the Reverend Michael Scott is also present so that his credentials may be verified by our statements.

"We are very much worried because false and foul means are being resorted to in order to try and persuade the United Nations that the other African tribesmen are satisfied with the treatment of the Government of the Union of South Africa as it was evidenced by the statement read by Dr. Donges, the leader of the delegation of the Union of South Africa."

Since I have been prohibited from returning to South Africa and these chiefs have been prevented from coming to the United Nations many charges have been made by Dr. Malan and other Ministers of the South African Government both against me personally and against your petitioners without the possibility of any fair trial. We, therefore, request a verification of the facts by confrontation before an independent commission of inquiry.

By means of the South West Africa Act (copy, as amended 1951, enclosed) the inhabitants are denied the protection of any form of international supervision. While the white inhabitants numbering one-tenth of the whole population are given six representatives in the House of Assembly, the non-European nine-tenths of the population are given no representation at all in the House of Assembly. They are represented by one Senator in the Upper House who is appointed by the Government and who must be white.

It is because the Parliament of South Africa now claims the sovereign right to apply its laws to South West Africa without reference to the international

community that we ask for a commission to investigate the whole truth regarding its *apartheid* legislation and the social and economic situation that is being created there. The documents,⁸ therefore, that are being submitted for the examination of your committee now include the following:

1. *Administration of South West Africa, Welfare of the Indigenous Population*, South African Institute of Race Relations (RR 810/51 of 11 November 1951).
2. *The Native Question, the Conclusions of the Church Congress of the Dutch Reformed Federated and Mission Churches in connexion with the native question*, held in Bloemfontein, 4-6 April 1950.
3. (a) *The Group Areas Act* (United Nations document A/AC.38/L.34 of 15 November 1950);
(b) *The Group Areas Act* by Kenneth Kirkwood, South African Institute of Race Relations;
(c) *The Group Areas Act of The Union of South Africa, What it means*, Government of India, Ministry of External Affairs.
4. Bantu Authorities Act No. 68 of 1951.
5. *South Africa on the Nazi Path* by India Overseas Central Association.
6. Note on crimes and the pass laws in South Africa from *The Dilemma of South Africa* by John Hatch, and from South African Institute of Race Relations.
7. (a) *South West Africa Act of 1949* (United Nations document A/929 (page 7) Annex, summary record of Fourth Committee of 1949);
(b) Note on constitutional changes per South West Africa Acts 1919, 1925, 1931 and 1949;
(c) South West Africa Act Amendment No. 55, 1951.

(Signed) Michael Scott

Appendix VII

LETTER DATED 7 FEBRUARY 1952 FROM CHIEFS HOSEA KUTAKO AND STEPHANUS HOVEKA, AND LETTER DATED 7 MARCH 1952 FROM CHIEF HOSEA KUTAKO, BOTH ADDRESSED TO THE SECRETARY-GENERAL

I

Chief Hosea Kutako
P.O. Box 1034
Windhoek
7 February 1952

We are very much worried by the attitude of the Union Government towards the United Nations in connexion with the case of South West Africa.

We humbly ask the United Nations to send us an impartial commission to come to South West Africa so that we may meet the Government of the Union of South Africa and thus furnish the commission with undoubtful facts as to the conditions and wishes of the indigenous people.

Because we have nothing to hide we leave it to the Union Government to choose the place where we may meet, provided that the United Nations commission is present and that Reverend Michael Scott is

also present so that his credentials be verified by our statements.

By having the Union Government present and the United Nations commission the ambiguity which is in the minds of some of the delegates at the United Nations will be cleared up and justice will be done to the United Nations as well as to the Government of the Union of South Africa and to the indigenous people of South West Africa.

We are very much worried because false and foul means are being resorted to in order to try and persuade the United Nations that the other African tribes are satisfied with the treatment of the Government of the Union of South Africa as it was evidenced by the

⁸ Note by the Secretariat: The documents referred to above are in the files of the Secretariat and may be examined upon request.

statement read by Dr. Donges, the leader of the delegations of the Union of South Africa.

The concerned party in the mentioned statement, namely the Berg Damaras, openly repudiated the statement read by Dr. Donges and in order that such occurrences should not take place in future we ask for an impartial commission.

The International Court of Justice maintained that South West Africa is a Mandated Territory and that the Union Government cannot change the international status of South West Africa but on the contrary the Union Government has changed the international status of South West Africa because:

1. The Union Government does not govern this Territory in the interest of the indigenous people.

2. The Union Government recently issued a declaration that our spokesman Reverend Michael Scott is a "prohibited immigrant" in the Union of South Africa and in South West Africa although South West Africa is an international territory.

We ask the United Nations to intervene, because an iron curtain has been placed between our spokesman and us.

The United Nations acknowledged the Reverend Michael Scott as our spokesman, thus he has full right to report back to us what took place at the United Nations because this territory is not a Province of the Union but it is a Mandatory Territory and the United Nations inherited the right of the League of Nations.

He, Reverend Michael Scott, should thus be declared as *not* a "prohibited immigrant". He should have free access to South West Africa.

Please circulate this document to all the delegates at the United Nations and to the Five-Man Commission.

(Signed) Chief Hosea KUTAKO
Chief Stephanus HOVEKA

II

Chief Hosea Kutako
P.O. Box 1034
Windhoek
7 March 1952

My tribe and I are very grateful for the repeated attempts of the United Nations to pass resolutions that South West Africa be placed under International Trusteeship System.

By doing so the United Nations want to restore peace and happiness to the indigenous people of South West Africa who have no say in the affairs of the land in which God put them.

We are looking forward with hope that the right might triumph over injustices and therefore our confidence in the United Nations will remain unaltered.

Let the nations that assist the Union Government of South Africa realize that they are prolonging justice and peace to dawn over this part of Africa where brotherhood and equality are unknown and therefore they are hindering peace for which the United Nations was founded.

Because passports were refused us and no written explanation was given me, we are now returning to the Reserve where we have been placed, but shall always keep on trying to have our men present when our case is being discussed again this year.

The Reverend Michael Scott will remain our spokesman at the United Nations.

I have sent you some communications about one month ago and I have not as yet received any acknowledgement.

May God bless the work of the United Nations and thus to enable the champions of peace to conquer the champions of oppression.

(Signed) Chief Hosea KUTAKO

Appendix VIII

APPEAL TO THE CHAIRMAN OF THE COMMITTEE OF THE UNITED NATIONS ORGANIZATION INVESTIGATING THE QUESTION OF SOUTH WEST AFRICA

In brief our earnest appeal is as follows:

The Rehoboth Settlement was bought and further secured by the labour and sacrifices of our people. Since 1868, 1870-1874 we have the right to govern ourselves in accordance with our laws and customs, under the Constitution of the Rehoboth Settlement.

We demand that Proclamations Nos. 28 of 1923, 31 of 1924, 9 of 1928, 29 of 1929, 17 of 1932, 5 of 1935, 20 of 1935, 16 of 1938 and 22 of 1941 be declared null and void in the Settlement.

We want the right of self-government restored in accordance with our patriarchal Constitution of 1870-1874. When our forebears took over the Settlement from the late Swartbooi, the frontiers of the settlement were clearly defined and accepted as such by the original chiefs and the German Government.

During the 1914-1918 World War there was a dispute between the Rehobothians and the German Government, because the former had refused to fight against the Union of South Africa; they had refused on the grounds that their forebears had originated

from the Union of South Africa. Moreover, they had felt that their participation in this war would be a violation of their treaty with the German Government that they would remain neutral in the event of any war or dispute between Europeans. The German Government threatened that if they refused they would abrogate the treaty—as they did.

When General Botha visited Walvis Bay, the late Captain C. van Wyk and other prominent Rehobothians consulted with the Prime Minister there. He recognized the Constitution of 1870-1874, as well as the frontiers of the Settlement. Our earnest wish is that the pledges made to the Rehobothians by the now deceased statesmen, should be honoured. We request that the United Nations should, as the League of Nations had done, recognize us as an independent people with a right to self-government. As a people we had governed ourselves for fifty-four years; for the past nineteen years we have been administered under an experiment by the Government of the Union of South Africa.

We earnestly request that at some future date we be given the opportunity to discuss with the United

Nations the question of the states of our Settlement. It is alleged that, on 5 April 1925 riots had taken place in the Settlement. There were no riots at all. The trouble was entirely domestic in nature and arose because of differences among Rehobothians. The Government of the Union of South Africa immediately interfered in our internal affairs by sending aeroplanes and armed troops into the settlement. Shots were fired by the Union personnel. There was no retaliation by the Rehobothians who were not intent on trouble. Some of our people were arrested and fines ranging from £20 to £60 were imposed on them. Many of our people suffered severe losses of stock.

Subsequently the Government of the Union of South Africa appropriated thirty-three farms belonging to the Settlement, to defray the expenses of having sent aeroplanes and armed forces to bring misery and ruin upon the Rehobothians. Your committee could consult Hansard Vol. 8 of 1946, wherein it would be found that the blame attached to the Union of South Africa.

We, therefore, demand the return to us—the rightful owners—these thirty-three farms, hundreds of miles in extent, which had been wrongfully and unlawfully taken away from us by the Government of the Union of South Africa. In an article in a local magazine *Die Huisgenoot*, of 23/10/50, the European writer of the article asserts that the blame for the loss of our land attach to ourselves. But this assertion has no foundation of truth.

During the period of German rule a strip of land to the west of the present Settlement was also taken from us by the then Government. We earnestly request that this land be restored to us as well. We attach letters for further information.

We trust and hope that the United Nations committee and the United Nations itself will not leave us, the Hereros, the Nanas and the Damaras in the lurch. We appeal to the whole world for help in our struggle to safeguard our independence and our human rights.

Will it not be possible for the United Nations to send a committee of inquiry to learn the truth of South West Africa?

(Signed) A. J. BEUKES
P. DIEGAARD
A. VAN WYK

ATTACHMENT TO THE ABOVE LETTER

RE: PHILANDER AND TRIBE'S RIGHTS TO THE FARM RIETFONTEIN, GORDONIA

The history of this land, situated north of the Orange River, and its ownership, is very briefly as follows:

1. Prior to 1860 it was no-man's land, undeveloped, and very sparsely occupied by nomads like the Masarwa bushmen, virtually waterless, and teeming with game and vermin (lion country).

2. A large trek of bastards moved up the Orange River about 1860 and then split into two sections, that is the people under the recognized Chief Dirk Philander—the former went in a north-westerly direction from Upington (then known as Veldshoendragers) to what is now Warmbad and Rehoboth in South West Africa, and the latter northwards from Upington to what is now known as Aroab—Rietfontein (old name "Nass") Nosop, Molopo (Witdraai region) and Auob Rivers. They actually after long and arduous campaigns

against a warlike tribe called Afrikaners, tamed the country generally, opened waters, hunted game and vermin. Chief Philander and tribe occupied the region, and claimed ownership and actual sovereignty. Rietfontein (Nass) was the central reserve and headquarters of the Chief and tribe. Its extent was computed to be 35,000 morgen. Between 1880-1890 the Germans acquired what is now known as South West Africa and Surveyors Bosman and later Moorrees (afterwards Surveyor-General of British Bechuanaland at Vryburg) fixed the boundary between the German and the Philander countries roughly as meridian 20 (longitude) runs, owing to the fear of the bastards (Philanders tribe) of the Germans. Chief Philander asked the Imperial British Government to take the tribe and its land under protection—at first the Imperial Government declined to do this (see letter dated 28/3/1892 from Lord Knutsford to the Governor of the Cape) but later, about August 1891, the British Government agreed and the Philander country came under British protection. The 20 meridian actually cut Philander's country in two.

3. Between about 1870 and 1890 Chief Philander granted many farms to some of his own people, and sold to many Europeans under a recognized deed of grant (title). These grants were fully investigated and confirmed by the Moorrees (Commission of 1893)—at this time there is full proof that Chief Philander reserved Rietfontein area, 35,000 morgen (comprising Vetrivier, Driaboon Styerkolk, Schopkolk, Maarkolk, etc.), as his own for his tribe's exclusive benefit. The Rhenish Missionary Society started its spiritual activities about 30 June 1885 and the Chief sold one of his farms, Gansvlei, to one Nel for £350, and used this money towards the building of the church and parsonage at Rietfontein. The Society was placed in control of the station and administered the Tribe's affairs, finances, etc., on the understanding that it would hold the offices in trust for the tribe only for so long as the Society was operating as missionaries. Without the knowledge, consultation with, or consent of the tribe, the Cape Government granted title of Rietfontein (22,000 morgen) to the RMS (by deed of grant dated 30/5/07, vide 1893 Commission's report). Schepolk was also transferred to the RM Society.

4. In 1944, also without the knowledge or consent of the tribe, the RM Society sold Rietfontein to the Union Government, and took title, and the Union Government, in its efforts to uplift the people at and around Rietfontein, has established and intends to expand a land settlement scheme for these people, who have all along, without any interruption, occupied Rietfontein and Schopkolk which they still look upon as their very own under their ancestral right. Ever since the outbreak of war in 1939 the RM Society has virtually ceased its missionary work, and the tribe now claims that under the reservation made by the original Chief Philander the farm Rietfontein and Schopkolk, adjoining (portion of old reserve) was their property.

26 January 1952

To: the United Nations Commission,

We request the revert of our land to us.

W. PHILANDER, Chief
Rietfontein
P.O. Nier Gordonia

DOCUMENT A/2261/Add.1

Addendum to the report of the *Ad Hoc* Committee on South West Africa

[Original text: English]
[11 December 1952]

1. Following upon the release of its report to the General Assembly (A/2261), the Chairman of the *Ad Hoc* Committee on South West Africa received a letter, dated 1 December 1952, from the representative of the Union of South Africa, which contained the views of the Government of the Union of South Africa on certain aspects of the Committee's report.

2. At its 35th meeting, on 10 December 1952, the Committee considered the communication and decided that, in addition to circulating the communication to the Members of the General Assembly, it should make its own observations thereon.

3. The communication from the representative of the Union of South Africa is as follows:

"I have the honour to inform you that the Government of the Union of South Africa have now had an opportunity to consider the report of the *Ad Hoc* Committee on South West Africa concerning our recent negotiations and I have been directed to inform you that the Union Government greatly regret the fact that these negotiations were broken off before the possibility of an agreement had been fully explored.

"Since the report might leave a wrong impression of what transpired, I would recall that at the 29th meeting you outlined on behalf of the Committee a statement of principles which any solution of the question of South West Africa should satisfy in order to be acceptable to the United Nations.

"At the meeting, we sought and obtained partial clarification of the statement of principles. We again asked at that meeting for an indication of the Committee's views concerning the merits of the Union Government's proposals and, in the event of the Committee finding that the proposals as submitted were not acceptable in their entirety, requested the Committee to indicate what modifications, in its view, should be introduced in order that they might satisfy both the United Nations and South Africa's basic requirements.

"Some members of the Committee indicated that, in order to be able to express a considered view on the merits of our proposal and to make suggestions for modification of that proposal in order to render it acceptable, they would wish to formulate certain questions to be put to the Union Government, and that pending the Union Government's reply an interim report might be submitted to the Assembly.

"We ourselves expressed the hope that it would be possible to continue negotiations on the basis of the replies to be furnished by the Union Government to the questions which it was proposed to submit to them and finalize the discussions before the end of the current session of the Assembly.

"We were under the firm impression when we left that meeting that the above course had been decided upon.

"At its following private meeting the Committee decided not to proceed with the negotiations but to submit a final report to the Assembly.

"The Union Government desire me to place on record the foregoing facts, to state that up to the present they have not received from the Committee an expression of view on the merits of the Union's proposal or any indication as to how that proposal could be rendered acceptable to the United Nations, taking into account South Africa's essential requirements on the one hand and the points of agreement already reached as outlined in paragraph 23 of the Committee's report.

"As you are aware, the South African delegation at no time suggested suspension of negotiations and I am therefore desired to state that the decision to discontinue the discussions was not taken with the concurrence of the South African delegation. The Union Government believe that further exploration of the points of agreement and disagreement outlined in paragraph 23 of the report might have led to a narrowing of the differences still existing.

"As the Committee's report has already been circulated I shall be grateful if this letter could be similarly circulated as an Assembly document.

(Signed) G. P. JOOSTE
Ambassador
and Permanent Representative

4. The Chairman of the Committee sent the following reply, dated 10 December 1952, to the representative of the Union of South Africa:

"The *Ad Hoc* Committee on South West Africa, at its 35th meeting on 10 December 1952, has considered the communication of the Government of the Union of South Africa, dated 1 December 1952, concerning the negotiations which have been carried on regarding South West Africa, and refers particularly to the view of the Union Government that by making a report to the General Assembly these negotiations were 'broken off before the possibility of an agreement had been fully explored'.

"The *Ad Hoc* Committee, for its part, has at no time regarded the negotiations as 'broken off'. On the contrary, in its report to the General Assembly—a report which it was obliged to make during the present session in order to acquaint the Assembly with the stage which had so far been reached in the negotiations—the *Ad Hoc* Committee explicitly stated in paragraph 25 that it 'holds itself ready to make further efforts during the present session should the General Assembly request it to do so'.

"The *Ad Hoc* Committee welcomes the intimation of the Union Government that further exploration of the points of agreement and disagreement outlined in paragraphs 23 and 24 of the report might lead to a narrowing of the differences still existing, and sincerely hopes that when the discussions are continued in the General Assembly these remaining differences can be narrowed down to a complete agreement.

"As to the views of the *Ad Hoc* Committee on the merits of the Union Government's proposal, the Committee considers that the observations in paragraph 20 of the report and the summary of points

of agreement and points of difference, outlined in paragraphs 23 and 24, constitute a clear statement of its views. If members of the Committee did not pose further questions regarding the proposal it was because they felt that no further clarification was needed for purposes of making its report to the General Assembly, as is stated in paragraph 21 of the report.

"The Committee hopes that your letter and this reply, together with the Committee's report, will facilitate the Assembly's consideration of this question.

(Signed) Thanat KHOMAN
Chairman
Ad Hoc Committee on
South West Africa"

5. Also at its 35th meeting, on 10 December 1952, the Committee examined a communication sent by cable on 8 December by Chief Hosea Kutako and decided that it should be appended to the present report (annex).

11 December 1952

ANNEX

CABLEGRAM DATED 8 DECEMBER 1952, FROM CHIEF HOSEA KUTAKO, ADDRESSED TO THE SECRETARY-GENERAL

Strongly object to appointment of Britain France and USA as proposed by Union Government. We accept UN supervision. Send impartial commission to South West Africa.

Hosea KUTAKO

DOCUMENT A/2475

Report of the *Ad Hoc* Committee on South West Africa to the General Assembly

[Original text: English]

[21 September 1953]

I. GENERAL

1. The General Assembly, on 20 December 1952, adopted resolution 651 (VII) whereby it requested the *Ad Hoc* Committee on South West Africa, established by General Assembly resolution 570 A (VI) of 19 January 1952, to continue on the same basis as stated in that resolution, and to report to the Assembly at its eighth session. It will be recalled that the *Ad Hoc* Committee, consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, was to "confer with the Government of the Union of South Africa concerning means of implementing the advisory opinion of the International Court of Justice" and was further authorized, "as an interim measure, and pending the completion of the negotiations with the Government of the Union of South Africa, and as far as possible in accordance with the procedure of the former Mandates System, to examine reports on the administration of the Territory of South West Africa as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General".

2. The *Ad Hoc* Committee continued to meet under the chairmanship of Mr. Thanat Khoman (Thailand).

3. Since the adoption by the General Assembly of resolution 651 (VII) the Committee has held four meetings, all of which were private. The Committee's decision to hold private meetings was prompted by the same considerations which had prevailed during the first two years of its existence, namely, that in negotiations with the Union of South Africa, its task would be facilitated by holding private meetings. The representative of the Union of South Africa met with the Committee at its 38th meeting, held on 25 June 1953. At its 39th meeting on 10 September 1953, the Committee decided to release the summary records of its meetings on 21 September 1953.

4. At the request of the Committee, the Chairman, by a letter dated 27 January 1953, informed the repre-

sentative of the Union of South Africa that the *Ad Hoc* Committee had decided to hold itself in readiness for new negotiations with the Government of the Union and to invite that Government to co-operate with the Committee in its work, taking into account the statements contained in paragraphs 20-24 of the Committee's report to the General Assembly at its seventh session (A/2261). The letter further stated that the Committee expressed the hope that the Union Government would notify the Committee as to the date when negotiations could be usefully undertaken.

5. By a letter dated 3 February 1953, the deputy permanent representative of the Union of South Africa informed the Chairman of the *Ad Hoc* Committee that the contents of his letter had been conveyed to the Union Government and that he hoped to address a further communication to the Chairman when the observations of the Government had been received.

6. At its 37th meeting on 9 June 1953, the *Ad Hoc* Committee was informed by the Chairman that the representative of the Union of South Africa had orally expressed a desire to meet with the Committee (see paragraphs 9 to 12 below).

7. At its 39th meeting, on 10 September 1953, the *Ad Hoc* Committee adopted its report to the General Assembly unanimously and decided to release it on 21 September 1953.

II. ACTIVITIES OF THE *Ad Hoc* COMMITTEE WITH REGARD TO PARAGRAPH 5 OF GENERAL ASSEMBLY RESOLUTION 570 (VI)

8. At its 37th meeting on 9 June 1953, the *Ad Hoc* Committee reaffirmed that, in its future negotiations with the Union of South Africa, it would be guided by the principle that it could not entertain the discussion of any proposals which did not from the very outset make provision for the supervision of the administration of the Territory of South West Africa

by the United Nations, as envisaged in the advisory opinion of the International Court of Justice.

9. At the first part of its 38th meeting on 25 June 1953, the representative of the Union of South Africa, after restating his Government's position with regard to the question of South West Africa (see A/AC.49/SR.38/part I), inquired whether it was the requirement of the Committee that the Union Government should assume its obligations to the United Nations with regard to the administration of the Territory, and not to the three Principal Allied and Associated Powers as principals. He stated that he wished to ascertain whether the Committee as a whole had decided, formally, to reject this proposal itself, which had been constantly under discussion throughout the negotiations. He further observed that the Committee had never formally rejected his Government's proposals on their merits, but had always taken its stand on the terms of reference of the Committee; he hoped that the reply would be forthcoming at last and that, in the event that it was unfavourable, the Committee would state its reasons.

10. At the third part of the 38th meeting, after consultation with the members of the Committee, the Chairman informed the representative of the Union of South Africa that, with regard to the proposal that a new instrument should be negotiated between the Union of South Africa and the three former Principal Allied and Associated Powers, inasmuch as the Union of South Africa wished those Powers to act as principals and not as agents of the United Nations, the Committee felt that the proposal did not provide the means for implementing the advisory opinion of the International Court of Justice and did not recognize the principle of supervision of the administration of South West Africa by the United Nations. He also stated that the Committee was, therefore, unable to accept the proposal as a basis for a detailed discussion. It was the view of the Committee that negotiations for a new international instrument could be undertaken only by the United Nations, acting through an agency appointed by and responsible to it.

11. In connexion with the Chairman's statement, the representative of the Union of South Africa observed that the Committee's views were based on the opinion of the International Court of Justice. That opinion was, however, advisory and the Union Government had not accepted it; the Court said nothing of who the second party to the agreement should be; and it did clearly stipulate that the degree of supervision by the United Nations should not exceed that which had obtained under the Mandates System. His Government held that it was well-nigh impossible to devise any arrangement whereby it would be accountable to the United Nations for its administration of South West Africa, without extending its obligations. To give only a few examples: under the Mandate, the Union of South Africa had obligated itself to guarantee free entry into and movement within the Territory to the missionaries of all Members of the League of Nations; any Member State of the United Nations, under the Committee's counter-proposal¹ would have the right to summon the Union before the International Court of Justice, which had compulsory jurisdiction; lastly, the Covenant of the League had provided that all decisions of substance had to be taken by

unanimous agreement of the Members present, thus virtually endowing each Member with the veto. He failed to see under what system and by what means it would be possible to come to an arrangement whereby the Union Government would be accountable to the United Nations and safeguard the vital principle of unanimity. The United Nations acted in virtue of the Charter and could not agree to measures which would be in contravention of the Charter. Those were by no means the only objections his Government could raise; but he wondered how the Committee proposed to cope with them.

12. In reply, the Chairman stated that the Committee must abide by its terms of reference and seek means of implementing the Court's opinion. The Committee could not discuss how that could be done until the South African Government had accepted the principle involved, at which time the Committee would endeavour to carry out its instructions faithfully within the limits set by the Court.

13. Upon the request of the representative of the Union of South Africa that the Committee's views should be sent to him in a formal communication, the Chairman, after consultation with the other members of the Committee, sent to the permanent representative of the Union of South Africa to the United Nations a letter, dated 10 July 1953. This letter reads as follows:

"I have the honour to inform Your Excellency that the *Ad Hoc* Committee on South West Africa has authorized me to transmit to you a statement concerning the discussion at its 38th meeting on 25 June 1953.

"2. At that meeting Your Excellency, after re-defining the previous position of the Government of the Union of South Africa on the question of South West Africa, addressed to the Committee the following question: 'Is it the requirement of this Committee that the Union Government should assume its obligations to the United Nations with regard to the administration of the Territory, and not to the three Powers (France, the United Kingdom and the United States of America) as principals?'

"3. After consultation with the members of the Committee, I stated on behalf of the Committee that the Committee felt that the proposal submitted by the representative of the Union of South Africa did not provide the means for implementing the advisory opinion of the International Court of Justice and did not recognize the principle of supervision of the administration of South West Africa by the United Nations. The Committee was therefore unable to accept the proposal as a basis for a detailed discussion. It was the view of the Committee that negotiations for a new international instrument could be undertaken only by the United Nations, acting through an agency appointed by and responsible to it.

"4. On the suggestion of Your Excellency that the position of the *Ad Hoc* Committee with regard to this question be communicated officially, I have again consulted with the members of the *Ad Hoc* Committee and have now the honour to transmit to you the following considerations:

"5. In view of the fact that the General Assembly, by resolution 449 (V) of 13 December 1950, accepted the advisory opinion of the International Court of Justice with respect to South West Africa, it should

¹ See *Official Records of the General Assembly, Sixth Session, Annexes*, agenda item 38, document A/1901, paragraph 27.

be recognized that any committee established by that body must respect that acceptance. In this connexion, it will be recalled that the first Committee on South West Africa established by the same resolution was specifically instructed 'to confer with the Government of the Union of South Africa concerning procedural measures necessary for implementing the advisory opinion of the International Court of Justice'.

"6. The General Assembly, in reconstituting the *Ad Hoc* Committee on South West Africa by resolution 570 A (VI) of 19 January 1952, requested the Committee 'to confer with the Government of the Union of South Africa concerning means of implementing the advisory opinion of the International Court of Justice'. The *Ad Hoc* Committee is aware that on several occasions the representative of the Union of South Africa has expressed the view that, under this new resolution, the Committee was given broader terms of reference than the first Committee. Without wanting to embark on an analysis of the significance of the terms of reference of the present Committee, the Committee is clearly obliged to direct its negotiation in such a manner as to find means to implement the advisory opinion of the International Court of Justice.

"7. In this connexion, it will be recalled that General Assembly resolution 651 (VII) of 20 December 1952 requested the *Ad Hoc* Committee to continue on the same basis as stated in General Assembly resolution 570 A (VI).

"8. On the basis of these clear instructions of the General Assembly, the *Ad Hoc* Committee formulated its attitude regarding the proposal of the Government of the Union of South Africa concerning the question of South West Africa. This attitude was stated in paragraphs 20 and 21 of its report to the General Assembly (A/2261). The Committee wishes to recall, in particular, the following observations appearing in sub-paragraphs (iii) and (iv) of paragraph 20:

"(iii) The Committee was unable to reconcile the proposal of the Union Government to negotiate a new agreement with the three remaining Principal Allied and Associated Powers with the principle stated in the first observation. In addition, the Committee found obscure the legal grounds on which powers could be delegated to the remaining Principal Allied and Associated Powers for the negotiation of such an agreement, particularly in view of the statement of the representative of the Union of South Africa that the Union Government did not recognize any special obligation either to the remaining Principal Allied and Associated Powers or to the former Members of the League of Nations.

"(iv) The Committee finally stated that, in its opinion, negotiations for an agreement could only be undertaken by the United Nations through an agency appointed by and responsible to the United Nations.

"9. The *Ad Hoc* Committee is firmly of the opinion that it must be guided by the principle that it cannot entertain any proposal which does not envisage the implementation of the advisory opinion of the International Court of Justice. In the circumstances, therefore, the *Ad Hoc* Committee finds the proposal submitted by the delegation of the Union of South Africa unacceptable.

"10. The Committee took note of the statement of Your Excellency at its 38th meeting, on 25 June 1953, that the advisory opinion of the International Court of Justice was impossible of implementation. The Committee recalls, in particular, that you stated that the Union Government could not accept accountability towards the United Nations without assuming obligations which they did not have in the past. By way of illustration, you observed that article 5 guaranteed free access to and free movement in the Territory to missionaries of all States. Would the Committee be prepared to recommend that only those missionaries who belong to former Members of the League of Nations should have access? You further observed that, in terms of the new instrument, every Member of the United Nations would have the right to take the Union of South Africa to court under the compulsory jurisdiction of the International Court. You also referred to the rule of unanimity, provided for in the Covenant of the League of Nations, which in actual practice gave South Africa the veto. You inquired how, under what system and by what means, would it be possible to come to an arrangement where the Union Government would be accountable to the United Nations and safeguard that very vital principle of unanimity. Would the Committee be prepared to recommend to the General Assembly that its recommendations concerning South West Africa be taken by a unanimous vote?

"11. With regard to this question, the Committee wishes to state that it appears premature at this stage of the negotiations, when fundamental problems of principle are not yet agreed upon, to make any pronouncement concerning the possibility of detailed implementation of the advisory opinion of the International Court of Justice. The *Ad Hoc* Committee wishes to state, however, that just as it must be bound by the Court's opinion in regard to the question of the basic principle of United Nations supervision over the administration of the Territory of South West Africa, it will be similarly bound in its negotiations with the Government of the Union of South Africa by all other provisions of that advisory opinion. In this connexion, the Committee is ready to give full consideration to that part of the advisory opinion which reads: 'The degree of supervision to be exercised by the General Assembly should not therefore exceed that which applied under the Mandates System, and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations. These observations are particularly applicable to annual reports and petitions'. The Committee wishes to emphasize that in its negotiations it will always be guided by the principle that the Government of the Union of South Africa shall not undertake obligations exceeding those obtaining under the mandate agreement for the Territory of South West Africa.

"12. The *Ad Hoc* Committee earnestly hopes that the Government of the Union of South Africa will agree to the basic principle to which the Committee must adhere so that the negotiations concerning South West Africa may be brought to a satisfactory solution".

14. By a letter dated 4 September 1953, the deputy permanent representative of the Union of South Africa informed the Chairman of the *Ad Hoc* Committee as follows:

"I have the honour to refer to your letter TRI 132/1/06 of 10 July 1953, and to state that the views of the *Ad Hoc* Committee on the proposal of the Government of the Union of South Africa concerning the question of South West Africa have been noted.

"The position of the Union Government has already been clearly stated to the Committee by their delegation. It will be recalled that throughout the discussions the following basic elements were emphasized:

"(a) The Union Government maintain that the Mandate in respect of South West Africa has lapsed and that while they continue to administer the Territory in the spirit of the trust they originally accepted, they have no other international commitments as the result of the demise of the League. Nevertheless, in order to find a solution which would remove this question from the United Nations, they are prepared to enter into an arrangement with the three remaining Allied and Associated Powers, namely, France, the United Kingdom and the United States.

"(b) The Union Government's responsibilities in regard to South West Africa should not in any way exceed those which they assumed under the Mandate.

"In regard to (a) above, it will be recalled that the idea of an agreement with the three Powers has been fundamental in all the Union's proposals. From the outset, the South African delegation urged the Committee to define its attitude towards this proposal. The South African delegation on numerous occasions throughout the negotiations sought clarity on the Committee's views on this point.

"It is true that in the Chairman's letter TRI 132/2/01 of 28 September 1951, it was stated that it was the unanimous conclusion of the Committee that it could not accept the suggestion of the Union Government that the Committee should reconsider its previous decision that the South African proposal did not fall within the scope of the Committee's terms of reference as defined by the relevant resolution of the General Assembly. At the sixth session of the General Assembly, however, the Committee's terms of reference were made less restrictive and the Union Government therefore hoped that in the changed circumstances the Committee might find itself able to consider the proposal for the conclusion of an agreement with the three Powers.

"Although the Committee's position in regard to this proposal was again dealt with in its report submitted to the seventh session, the Union representative indicated during the latest discussions why the idea of an agreement with the three Powers had been finally rejected. It is with regret that the Union Government now take note of the Committee's final stand in this matter.

"As far as (b) is concerned, the Union Government note that the Committee would always be guided by the principle that the Government of the Union of South Africa shall not undertake obligations exceeding those obtaining under the original Mandate agreement. In the opinion of the Union Government, this position could not be maintained if an agreement with the United Nations, as envisaged by the Committee, were entered into. Examples of how the Union's obligations would be increased were given in my letter of 20 September,

1951,² in reply to your letter TRI 132/1/01 of 11 July 1951.

"The Union Government are prepared to consider proposals which fall within the framework of the two basic elements set out above. They are unable to agree with the view of the *Ad Hoc* Committee that it is premature at this stage to test any principle or proposal to see whether in fact it could be put into operation without increasing the Union's existing obligations.

"In conclusion, the Union Government wish to emphasize that the insistence of the United Nations to interfere in the internal affairs of the Union and the lack of impartiality and understanding with which South African problems are viewed by some Members, are factors which are having a grave effect on public opinion in the Union *vis-à-vis* the United Nations. A continuation of such a state of affairs can hardly be conducive to the creation of an atmosphere for finding a solution to these problems."

15. At its 39th meeting on 10 September 1953, the Committee considered this letter and instructed the Chairman to send to the deputy permanent representative of the Union of South Africa a letter dated 14 September 1953, which reads as follows:

"1. On behalf of the *Ad Hoc* Committee on South West Africa, I have the honour to acknowledge your letter dated 4 September 1953, restating the position of the Government of the Union of South Africa with regard to the question of South West Africa.

"2. The Committee notes that your Government continues to be prepared only to consider proposals for the solution of the question of South West Africa which fall within the framework of two basic elements, namely:

"(a) That the Union Government are prepared only to enter into arrangements with the three Principal Allied and Associated Powers and not with the United Nations, and

"(b) That the Union Government's responsibilities in regard to South West Africa should not in any way exceed those which they assumed under the Mandate.

"3. The position of the Committee with regard to both points has been stated on several occasions throughout the negotiations, covering a period of almost three years. The Committee has constantly reiterated that it was bound to insist on the implementation of the advisory opinion of the International Court of Justice relating to the Territory of South West Africa, as was called for in both General Assembly resolutions on this subject.

"4. The Committee notes the statement in your letter that the South African delegation on numerous occasions throughout the negotiations sought clarity on the Committee's views regarding the Union's proposal to enter into negotiations with the Principal Allied and Associated Powers. In this connexion, it should be recalled that

"(a) As early as the 7th meeting of the Committee, on 9 July 1951, the Committee informed the

² This letter was reproduced in the report of the *Ad Hoc* Committee on South West Africa to the General Assembly at its sixth session, see *Official Records of the General Assembly, Sixth Session, Annexes*, agenda item 38, document A/1901, paragraph 32.

Union's representative that it was adhering to the principle that 'an agreement could be negotiated which could be entered into under the authority of the United Nations'.

"(b) By letter dated 11 July 1951, the Chairman of the *Ad Hoc* Committee, transmitting the Committee's counter-proposal to the representative of the Union of South Africa, stated, *inter alia*:

"The Committee carefully examined certain concrete proposals made by the Union representatives suggesting, in particular, an agreement based on article 2-5 of the Mandate, which would be negotiated and contracted between the Union and the remaining Principal Allied and Associated Powers (France, the United Kingdom and the United States) and confirmed by the United Nations. The proposal included a suggestion for implementation by means of "judicial supervision" through access to the Court in cases of alleged non-compliance.

"The Committee, while appreciative of this effort on the part of the Union, feels that an agreement on this basis not only would go beyond its terms of reference but would in its substance be unlikely to gain the desired acceptance of the General Assembly, with the result that the question would remain unsettled'.

"(c) At its 29th meeting on 29 October 1952, the Chairman of the Committee informed the representative of the Union of South Africa, *inter alia*, that the Committee was unable to reconcile the proposal of the Union Government to negotiate a new agreement with the remaining Principal Allied and Associated Powers with the principle of supervision of the administration of the Territory of South West Africa by the United Nations as envisaged in the advisory opinion of the International Court of Justice. It was then also stated that, in the opinion of the Committee, negotiations for an agreement could only be undertaken through an agency appointed by and responsible to the United Nations.

"(d) In its report to the General Assembly (A/2261), the Committee restated its attitude in paragraph 24.

"(e) In my letter of 27 January 1953, inviting the Government of the Union of South Africa to cooperate with the Committee in its work, specific reference is made to the Committee's view as stated in paragraphs 20 to 24 of the Committee's report to the General Assembly (A/2261).

"5. With respect to the Union Government's attitude that 'its responsibilities in regard to South West Africa should not in any way exceed those which they assumed under the Mandate', the Committee should like to state that it has always been guided by the opinion of the International Court of Justice, namely, that 'the degree of supervision to be exercised by the General Assembly should not therefore exceed that which applied under the Mandates System, and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations' and that 'these observations are particularly applicable to annual reports and petitions'. The Committee does not agree with the Union of South Africa that it would be necessary to deviate from this principle if the Union Government were to enter into negotiations with a view to implementing the advisory opinion of the Inter-

national Court of Justice. Unfortunately, negotiations towards the implementation of this principle were never undertaken because it was impossible to reach agreement on this basis.

"6. The Committee regrets that its negotiations with the Government of the Union of South Africa could not be successfully concluded. It had hoped that, by further negotiations, the Government of the Union of South Africa would see its way clear to negotiate on the basis of the Court's opinion. In this connexion, the Committee wishes to recall the statement of the representative of the Union of South Africa made to the Committee at its 23rd meeting on 18 September 1952, when he stated, *inter alia*, that:

"He hoped the Committee would recognize that the extent of common ground was indeed great and that it could serve as a basis for successful negotiations. If those negotiations progressed in a satisfactory manner, his Government would be prepared to move to some extent from the position it had taken the previous year on the one outstanding point of difference'. This statement gave the Committee the hope that the possibility for an agreement might have resulted from further negotiations, but this hope, for the reason stated, was not realized.

"7. I should like to assure you, nevertheless, that as long as the Committee's mandate continues to exist, the Committee is ready and willing to consult further with the representative of the Union of South Africa on the basis of the Committee's position, as restated in my letter of 10 July 1953.

"8. As the General Assembly is about to reconvene I should like to inform you that the Committee is obliged to release, at an early date, its report to the General Assembly."

III. ACTIVITIES OF THE *Ad Hoc* COMMITTEE WITH REGARD TO PARAGRAPH 6 OF GENERAL ASSEMBLY RESOLUTION 570 (VI)

17. In the course of its 39th meeting on 10 September 1953, the Committee considered its responsibilities with regard to paragraph 6 of General Assembly resolution 570 (VI).

18. With regard to the authorization given by the General Assembly to the Committee to examine reports on the administration of the Territory of South West Africa, the Committee was again unable to comply with the General Assembly's instruction because no such reports were submitted by the Government of the Union of South Africa.

A. Communications received in 1951

19. With regard to the authorization given by the General Assembly to examine petitions and any other matters relating to the Territory which might be transmitted to the Secretary-General, the Committee recalls that, in 1951, it had received ten communications relating to South West Africa. In this connexion, the Committee draws attention to paragraphs 29 to 32 of its report to the seventh session of the General Assembly (A/2261).

B. Communications received in 1952 from sources outside the Territory of South West Africa

20. In 1952, the Committee received six communications relating to South West Africa. In this connexion,

the Committee draws attention to paragraphs 33 to 37 of its report to the seventh session of the General Assembly.

C. *Communications received in 1953 from sources within the Territory of South West Africa*

21. In 1952, the Committee received three communications relating to South West Africa from the Territory itself. In this connexion, the Committee draws attention to paragraphs 38 to 40 of its report to the seventh session of the General Assembly.

D. *Communications received in 1952-1953 from sources outside the Territory of South West Africa*

22. Since its last report to the General Assembly, the *Ad Hoc* Committee received and examined seven communications relating to South West Africa. The communications were:

(i) Communication from the Reverend Michael Scott, dated 6 November 1952, addressed to the Chairman of the Fourth Committee of the General Assembly, enclosing three letters from Chief Hosea Kutako, dated 27 October 1952, addressed respectively to the Secretary-General, to the Secretary for South West Africa, Windhoek, and to the Prime Minister of the Government of the Union of South Africa.

(ii) Communication from the Reverend Michael Scott, dated 7 December 1952, addressed to the President of the General Assembly, enclosing, *inter alia*, a statement of the Joint Action Council of African and Indian Congresses.

(iii) Communication from the Reverend Michael Scott, dated 9 December 1952, addressed to the Secretary-General.

(iv) Communication from the Reverend Michael Scott, dated 15 December 1952, addressed to the Chairman of the Fourth Committee enclosing a copy of a letter of the same date addressed to Mr. Jooste, Ambassador of the Union of South Africa to the United States of America.

(v) Communication from the Reverend Michael Scott, dated 18 December 1952, addressed to the Chairman of the *Ad Hoc* Committee on South West Africa, enclosing copies of the communications referred to in (iv) above.

(vi) Communication from the Reverend Michael Scott, dated 23 December 1952, addressed to the Chairman of the *Ad Hoc* Committee on South West Africa, enclosing the following:

(a) Letter from Chief Hosea Kutako, dated 15 December 1952, addressed to the Reverend Michael Scott.

(b) Letter from Chief Hosea Kutako, dated 8 December 1952, addressed to the Secretary-General (see appendix VII).

(c) Letter from the Secretary for South West Africa, dated 24 November 1952, addressed to Chief Hosea Kutako.

(vii) Communication from the Reverend Michael Scott, dated 15 March 1953, addressed to the Secretary-General, enclosing a memorandum entitled "South Africa and the International Court of Justice—Possibilities of Compulsory Jurisdiction on South West Africa" and a letter, dated 1 January 1952, addressed to the Chairman of the Fourth Committee.

23. In connexion with the communications (ii) and (iv) above, the *Ad Hoc* Committee noted that, in the course of the 308th meeting of the Fourth Committee of the General Assembly, part of these communications were brought to the attention of that Committee.

24. In the case of each of the seven communications listed above the *Ad Hoc* Committee decided:

(a) To accept the communications, as far as they relate to the Territory of South West Africa, as petitions;

(b) In accordance with the procedure of the former Mandates System, to transmit the petitions to the Government of the Union of South Africa for comment; and

(c) To include the petitions in its report to the General Assembly (see appendices I to VII below).

25. By a letter dated 14 September 1953, the Committee transmitted the petitions listed in paragraph 22 to the Government of the Union of South Africa for comment.

E. *Communications received in 1952-1953 from sources inside the Territory of South West Africa*

26. Since its last report to the General Assembly, the Committee received and examined two communications relating to South West Africa from the Territory itself. They were:

(i) Communication from Chief Hosea Kutako, dated 8 December 1953, addressed to the Secretary-General.

(ii) Communication from Chief David Witbooi, dated 1 June 1953, addressed to the Chairman of the *Ad Hoc* Committee on South West Africa.

27. The Committee considered the above-mentioned communications at its 39th meeting on 10 September 1953. The Committee realized on the one hand that, in accordance with the procedure of the Permanent Mandates Commission of the League of Nations, petitions sent through any channel other than the Mandatory Government were returned to the signatories with the request that they should resubmit them in accordance with established procedure. On the other hand, the Committee, being aware of the attitude of the Government of the Union of South Africa, expressed in letters dated 8 and 25 April 1952 (see A/2261, paragraphs 30 and 31), decided to transmit these communications to the General Assembly (see appendices VIII and IX) and also to the Government of the Union of South Africa. By a letter dated 14 September 1953, the Committee transmitted the communications listed in paragraph 26 to the Government of the Union of South Africa.

Appendices

Appendix I

THE AFRICA BUREAU

69 Great Peter Street,
London, S.W.1
6 November 1952

The Chairman,
Fourth Committee,
United Nations,
New York

Dear Sir,

I have today received a communication from Chief Hosea Kutako, of the Herero tribe in South West Africa, dated 27 October 1952 from Windhoek, South West Africa, and I believe he has communicated with the Secretariat directly.

I should be grateful if I could be given an opportunity of making an oral statement before your Committee when it comes to its consideration of the item on its agenda dealing with South West Africa.

Yours truly,
(Signed) Michael SCOTT

ANNEXES TO APPENDIX I

Enclosure A

P.O. Box 1034,
Windhoek,
27 October 1952

The Secretary-General,
United Nations Organization,
New York

Sir,

This serves to inform you that I still maintain that South West Africa be placed under the International Trusteeship System of the United Nations.

Rev. Michael Scott will continue to act as the Spokesman for the Herero tribe.

Please find attached copies of the letters to the Secretary for South West Africa and one to the Prime Minister of the Union Government of South Africa.

I again repeat that we are looking forward to the dawning of that day when Champions of peace and fair play will conquer.

Yours sincerely,
(Signed) Chief Hosea KUTAKO

Enclosure B

P.O. Box 1034,
Windhoek,
27 October 1952

The Secretary for South West Africa,
Government Buildings,
Windhoek

Sir,

I received your letter dated 22 October 1952 Ref. No. A.406/4/3284.

Please transmit the attached letter to the Prime Minister of the Union Government of South Africa.

I remain, Sir,

Yours truly,
(Signed) Chief Hosea KUTAKO

Enclosure C

P.O. Box 1034,
Windhoek,
27 October 1952

The Right Honourable Dr. Malan,
Prime Minister for the Union
Government of South Africa,
Prime Minister's Office,
Union Buildings,
Pretoria

Sir,

Thanks for the letter which I received from the Secretary for South West Africa on the instructions from your Office.

Please inform me the reasons for the refusal of my visa and passport facilities as I mentioned that my visit overseas is purely a religious matter.

Are there any limitations in South Africa and South West Africa hindering the inter-exchange of religious problems?

I am and was under the opinion that we as Christians foster Christian brotherhood and that is only possible if we are in close contact not only through communications but through personal contact.

Kindly review and reconsider your decision as you are a member of the Christian family in Christ of which I am a member.

Trusting that this letter will appeal to the Prime Minister's Christian feelings,

I remain, Sir,

Yours truly,
(Signed) Chief Hosea KUTAKO

P.S. As I am old and sick I wish also to get treatment in Switzerland on account of the climate of Switzerland.

Appendix II

General Theological Seminary,
175 Ninth Avenue,
New York,
7 December 1952

The President of the General Assembly,
United Nations,
New York

Dear Mr. President,

It seems evident from the report of the *Ad Hoc* Committee on South West Africa that the Union Government is not yet prepared to implement its international and moral obligations with respect to South West

Africa, particularly with regard to the supervisory responsibility of the United Nations towards this Mandated Territory.

If these negotiations in closed session are to be still further continued the Africans who have appealed to the United Nations will be anxious that their voices should be heard while their future is still being decided and that their own representatives from South West Africa should be present.

I would call your attention to a letter which I believe has been received by the Secretary-General from Chief Hosea Kutako dated at Windhoek 27 October

1952⁸ which repeats his former requests that a Commission from the United Nations should visit the Territory and hear their views. So far all attempts by them to obtain passports have failed and I am still being prohibited from returning there.

During the six years in which this matter has been considered and resolutions have been passed by the United Nations, the International Court's advice has been given and negotiations pursued, increasingly discriminatory legislation has been introduced in the Union and South West Africa. Increasingly severe measures have been resorted to in order to suppress the growing resistance of the non-European people in South Africa. Under these circumstances the negotiations which have been protracted behind closed doors by the Union Government must appear to the African people as far removed from them and rather remote from the sufferings which they are being made to endure.

I feel bound, therefore, on behalf of those who asked me to represent them, to appeal to the United Nations now to assume permanently its obligations towards this Mandated Territory and the people who are its wards. Until the desired co-operation of the Union Government is obtainable the United Nations can, as far as possible, fulfil its own obligations in the matter by establishing machinery for the examination of all available information and petitions concerning the Territory, and by reconstituting the *Ad Hoc* Committee on South West Africa, as permanent mandate commission of the United Nations.

While a United Nations Commission has now been established, in terms of a resolution passed in plenary session on 5 December 1952, to study the racial situation in South Africa, a further study could be made by the Committee on South West Africa of the extent to which the racial policies pursued in the Union are being applied in the Mandated Territory or could be applied under South African sovereignty without any form of true international supervision. In this connexion, it may be that the Fourth Committee would wish to examine some evidence on the general situation in South Africa of which South West Africa is being administered as an integral part. I am, therefore, enclosing herewith a copy of a statement submitted by the Joint Action Council of the African National Congress and the South African Indian Congress to the Chairman of the *Ad Hoc* Political Committee. This statement was submitted by Professor Z. K. Matthews, an African from the Union of South Africa who is a member of the Executive of the African National Congress and is at present in New York as lecturer in World Christianity at the Union Theological Seminary. Attached also is a copy of a letter from him which was circulated in the *Ad Hoc* Political Committee, as document A/AC.61/L.14, on 19 November 1952, explaining that "official pressure" was being brought to bear on him not to accept an invitation to appear before the United Nations and enclosing the statement of the Joint Action Council referred to above.

If no one from among the petitioners from South West Africa is able to be present at this session when the Fourth Committee considers this item on its agenda, I should be prepared to make an oral submission if the Committee desires this and its time permits.

There is need for some clarification, inasmuch as Mr. Eric Louw, South African Minister for Economic Development, has publicly accused me of Communism.

He has also reproached the United States authorities for an "unfriendly act" in granting me a visa to attend the United Nations in connexion with this matter, stating without qualification that I was formerly a member of the Communist Party.

There is at present no international criminal court of the United Nations independent of any particular State to which one can appeal and can tell the whole truth about such an allegation without danger of victimization for oneself and one's associates. Common justice surely demands that there should be such a properly constituted court to which those accredited to the United Nations can appeal when such charges are made against them. I feel the need of such at present in order to clear those whom I represent in South West Africa of any suspicions which may be attached to them and may obstruct their movements, to remove any suggestion of blame from the United States authorities in connexion with my visa, and also in order to ease myself of a burden which has obstructed me and has interfered with the fulfilment of my vocation as a priest of the Anglican Church.

The difficult question of incrimination of oneself and one's associates is complicated by incompatible legislation and by varying definitions of Communism in different States. In South Africa, for example, the Suppression of Communism Act, which is retroactive in scope and applies penal sanctions on account of past associations and activities, defines Communism now as "any doctrine or scheme which aims at the encouragement of feelings of hostility between the European and non-European races". Recently a magistrate in South Africa, convicting some accused non-Europeans under this act is reported to have called attention to the difference between "statutory Communism" and that which is normally understood by Communism.

If the International Criminal Court which is proposed in the Legal Committee is established, consideration should be given to the cases of individuals in this position who have appealed to the United Nations or are accredited to it.

Meanwhile I should be grateful to the United Nations if an appeal could be made to the South African Government to rescind the prohibition order against me or to allow me to return to South West Africa to report to those who asked me to come to the United Nations as Chief Hosea requested in his letter to the Secretary-General, and to allow me to face there any charges that may be preferred against me by Mr. Eric Louw or the Minister concerned. Allegations of sedition or treason have tended only to inflame resentment which the cold logic of the law might help to assuage and even to make way for a better understanding of the motives of those who have appealed to the United Nations and of what it has been attempting to do.

In any case the matters upon which I came to the United Nations are now being dealt with through the recently appointed Commission on the racial situation in South Africa and through the work of the Fourth Committee. I feel confident that the United Nations will not abandon its jurisdiction in the matter of South West Africa, and that if consultation with South West Africans is required this could be done directly with them when possible. It seems now time for me to return and to try and give some account of what is being attempted here to help bring about a just and

⁸ See appendix I.

peaceful solution of these problems within the world order which the United Nations is striving to create.

I should mention that opportunities of training and study are now being offered to South West Africans in Britain and in America at Lincoln University, and some of their expenses provided. It now remains only to secure passport and visa facilities for them. In this I trust that the good offices of the United States Institute of International Education may assist.

May I through you, Sir, thank the United Nations and the members of the Fourth Committee for their courtesy to me and thus to those Africans who, in their enforced absence, I have represented; for the access granted me to the United Nations in spite of

difficulties during the past five years; for the facilities accorded me as an observer for the International League for the Rights of Man; and for the patient hearings granted me by the Fourth Committee.

Yours faithfully,
(Signed) Michael Scott

Copy to the Secretary General for favour of reference to the Legal Committee.

Copy to the Chairman of the Fourth Committee.

Enclosures (2):

Document A/AC.61/L.14 of 19 November 1952.
Statement of the Joint Action Council of African and Indian Congresses, Box 2948, Johannesburg.⁴

Appendix III

General Theological Seminary,
175 Ninth Avenue,
New York,
9 December 1952

The Secretary-General,
United Nations,
New York

Dear Mr. Trygve Lie,

I should be most grateful if you would kindly convey the enclosed copy of a letter on the subject of South West Africa⁵ to the Legal Committee for its consideration in connexion with the proposal to establish an International Criminal Court.

I believe there are many who like myself feel the need for an international court to which individuals accredited to the United Nations can appeal when charges of sedition, subversive activities or Communism are made against them by any Member State. Some of the circumstances of a particular case are referred to in my letter but there must be many others for whom common principles of justice demand that there should be a recognized legal process, independent of any particular State or group of States, whereby such accusations can be properly tried.

Like many others I shall await the outcome of the Committee's deliberations on the judicial aspects of the matter with more than personal concern because I feel that the fate of many who look to the United Nations for justice may be bound up in the decision regarding the establishment of such an international court open to appeal by individuals. I should be grateful for information on the matter.

Yours faithfully,

(Signed) Michael Scott

Observer,
International League for the Rights of Man,
756 Seventh Avenue,
New York

Appendix IV

General Theological Seminary,
175 Ninth Avenue,
New York,
15 December 1952

The Chairman,
Fourth Committee,
United Nations,
New York

Dear Sir,

Since writing my letter of 7 December,⁶ there has been issued an addendum to the report of the *Ad Hoc* Committee on South West Africa which expresses the hope "that when the discussions are continued in

the General Assembly these remaining differences can be narrowed down to a complete agreement".

Under these circumstances I would beg through you to reiterate my appeal to be allowed to return to South West Africa to consult with those who asked me to come here in the sincere belief that this might contribute towards such an agreement by clearing up any misunderstandings for which I may have been responsible, to give some account of what has

⁴ Note by the Secretariat: This statement is in the files of the Secretariat and may be examined upon request.

⁵ See appendix II.

⁶ See appendix II.

been done here, and to face any charges that may be preferred against me. I am making this appeal also through the South African Government's Ambassador, Mr. Jooste.

Yours truly,
(Signed) Michael Scott

ANNEX TO APPENDIX IV

General Theological Seminary,
175 Ninth Avenue,
New York,
15 December 1952

His Excellency the Ambassador
of the Union of South Africa,
Permanent Delegation to the United Nations,
655 Madison Avenue,
New York

Dear Mr. Jooste,

May I, through you, make a further plea that the prohibition order against me may be rescinded and that I may be allowed to return to South Africa. I should like to be able to talk matters over with those in South West Africa who asked me

to come to the United Nations, and also to face there any charges that may be preferred against me.

I do hope this request will be understood. Many charges have been made against me by the Minister for Economic Development and others and I should like to have an opportunity of telling the whole truth about the matter and of submitting myself, humanly speaking, to the judgment of the court and clearing of suspicion, if any, those against whom there are no grounds for reproach.

The courts now have adequate power to deal with charges of fomenting racial conflict, or complicity in Communism, or of treason; and if I am willing to the judgment of the court, then surely these allegations can be removed from the sphere of passion and prejudice and brought within the sphere of justice, reason and the orderly processes of law.

There are matters which are above the law, and I still hope that on these, in spite of political differences, there may eventually be more accord. It may be that this could be assisted by allowing those matters which are within the law to be dealt with by the law. And I make this appeal to you as the representative of a country to which I owe very much.

With respect,

Yours truly,

(Signed) Michael Scott

Appendix V

General Theological Seminary,
175 Ninth Avenue,
New York,
18 December 1952

Chairman of the *Ad Hoc* Committee
on South West Africa,
United Nations,
New York

Dear Sir,

I should be grateful if you would consider the matters referred to in my communications of 7 and 15 December⁷ which, during the Fourth Committee's debate, the Chairman said would be sent on to your Committee. I enclose copies of them for your convenience.

I was glad to note that the information and petitions previously conveyed to your Committee were included in its report to the General Assembly. It is not clear whether the matters referred to in these were considered by your Committee and if this was not the case I hope they will also be given consideration when your Committee reconvenes.

I trust that before the eighth regular session of the General Assembly concludes dealing with the subject, full consideration will be given to the wisdom of enabling representatives of the indigenous peoples of South West Africa themselves to be present and, if possible, for their voices to be heard before any final settlement of the matter is reached.

Meanwhile, it seems clear from your Committee's report that an opportunity is now open to the three Principal Allied and Associated Powers, namely

Britain, France and the United States, whose special interests South Africa recognizes, to make some firm proposition which would be compatible with their own obligations and those of the United Nations in this matter, as well as the obligations of the Union of South Africa.

I am forwarding for your information copies of the enclosures contained in my letters referred to above (see A/2261, page 92) namely:

1. A.AC.61/L.14, 19 November 1952;

2. Statement of the Nation Action Committee of the African National Congress and the South African Indian Congress, P.O. Box 2948, Johannesburg, dated 4 November 1952.⁸

After the present Assembly session, I should be obliged if communications could be addressed to me at the Africa Bureau, 69 Great Peter St., London, S.W.1.

Yours truly,

(Signed) Michael Scott

Enclosures:

(a) Letter from the Reverend Michael Scott, dated 15 December 1952, addressed to the Chairman of the *Ad Hoc* Committee on South West Africa (see appendix IV).

(b) Letter from the Reverend Michael Scott, dated 15 December 1952, addressed to Mr. Jooste, Ambassador of the Union of South Africa to the United States of America (see appendix IV).

⁷ See appendices II and IV.

⁸ *Note by the Secretariat:* This enclosure is in the files of the Secretariat and may be examined upon request.

Appendix VI

General Theological Seminary,
175 Ninth Avenue,
New York,
23 December 1952

Chairman of the *Ad Hoc* Committee
on South West Africa,
United Nations,
New York

Dear Sir,

Enclosed herewith please find communication dated 15 December 1952 with enclosures, which I received from Chief Hosea Kutako on 23 December 1952.

Yours truly,
(Signed) Michael Scott

ANNEXES TO APPENDIX VI

Enclosure A

P.O. Box 1034,
Windhoek,
15 December 1952

My dear Reverend Scott,

I received your letter of 27 November 1952, together with the report of the *Ad Hoc* Committee on South West Africa, and the documents containing the statements on the *apartheid* policy in South Africa for which I thank you.

As regards the proposal made by the Union Government that it should report to the three Powers, Britain, France and the United States, and not to the United Nations, I wish to inform you that we object to that proposal, as we believe that the United Nations as an international organization is the only instrument which is competent to restore happiness to us, as well as to perform the work that has been neglected by the Union Government in South West Africa.

The reports on the administration of South West Africa should therefore be examined by the United Nations or an instrument appointed by and responsible to the United Nations.

As the new body who has been proposed by the Union Government is to be independent of the United Nations, we believe that it would not be of advantage to us. I am still investigating the wage rates in the Territory and will inform you as soon as possible. Attached please find copies of a letter and cable sent

to the United Nations as well as a copy of a letter received from the Secretary for South West Africa in which I was informed that my application to go to England had been refused.

My tribe and I are very grateful for what you are doing for us.

I am,
Yours very sincerely,
(Signed) Hosea KUTAKO

Enclosure B

Letter from Chief Hosea Kutako, dated 8 December 1952, addressed to the Secretary-General (see appendix VII).

Enclosure C

Office of the Administrator,
Windhoek,
24 November 1952

Headman Hosea Kutako,
Box 1034,
Windhoek
Greetings,

With reference to your letter of 27 October 1952, covering a letter addressed to the Prime Minister of the Union of South Africa in regard to your application for a passport, I have been requested by the Secretary for External Affairs, Pretoria, to inform you that the Union Government have given careful consideration to your application for passport facilities to enable you to proceed overseas to participate in religious activities, but regret that they are unable to accede to your request on these grounds.

As regards your request for passport facilities to enable you to receive medical treatment in Switzerland, I am requested to inform you that the Government are prepared to consider your application if a satisfactory medical certificate to this effect is submitted.

Any proposal of such application on these grounds would, however, be subject to your giving written assurance that you will not make use of your overseas visit to receive medical treatment for the purpose of participating in any form of political or public activity.

Greetings,
(Signed) J. NESER
Secretary for South West Africa

Appendix VII

69 Great Peter St.,
London, S.W.1.
15 March 1953

The Secretary-General,
United Nations,
New York

Dear Mr. Trygve Lie,

I enclose herewith a memorandum on the subject of South West Africa dealing with the possibility of a further reference to the International Court of Justice for its compulsory jurisdiction in this question under article 7 of the Mandate.

It is felt that the hands of the *Ad Hoc* Committee on South West Africa, whose negotiations have now been protracted over a long period, would be greatly strengthened by the judgment of the Court.

I should be grateful for anything you could do to further this endeavour and would appreciate it if you would forward one of the enclosed copies to the Chair-

man of the *Ad Hoc* Committee on South West Africa.

Yours sincerely,
(Signed) Michael Scott

ANNEX TO APPENDIX VII

Part I

SOUTH AFRICA AND THE INTERNATIONAL COURT OF JUSTICE—
POSSIBILITIES OF COMPULSORY JURISDICTION ON SOUTH WEST
AFRICA

Michael Scott

Negotiations at the United Nations

The *Ad Hoc* Committee on South West Africa appointed by the United Nations at its fifth session has now been negotiating with South Africa for more than two years without being able to reach any substantial agreement. The only points of agreement are that the "sacred trust" should be continued; that the compulsory jurisdiction of the International Court should be recognized but that a "new instrument" should be negotiated.

South Africa is prepared to agree that there should be "some form of supervision" and that information on the administration of South West Africa should be supplied. South Africa has not been able to agree with the *Ad Hoc* Committee on what the form of supervision should be, or how this should be exercised or by whom. She has disputed the right of the United Nations to receive reports and petitions as recommended by the International Court of Justice (see the *Ad Hoc* Committee's report (A/2261) and the advisory opinion of the International Court of Justice of 11 July 1950).

The South African Government's representative stated to the Committee that it was "his Government's intention to supply information annually to the three Powers concerned (Britain, France and the United States) provided they were prepared to act as the second party to the agreement and that the new instrument would be approved by the United Nations (paragraph 16, United Nations document (A/2261, page 5)). It was further suggested that the three Powers with which the new instrument would be negotiated would act as principals and not as agents and that the obligation which the Union of South Africa would assume towards them would not stem either from the original mandate or from their former status of Principal Allied and Associated Powers of the First World War but from the new instrument and from it alone".

While the jurisdiction of the International Court is recognized the Committee reported that the form of judicial supervision by the International Court of Justice which the Union of South Africa was prepared to accept failed to meet the requirements laid down in the opinion of the Court which had been accepted by the General Assembly.

Advisory opinion of the International Court of Justice

The advisory opinion of the International Court of Justice given in its report of 11 July 1950 may be summarized as follows:

(a) South West Africa is still under the International Mandate assumed by South Africa (as a member of the British Commonwealth) after the First World War.

(b) South Africa is not competent alone to modify the international status of the Territory. This can be done only with the consent of the United Nations.

(c) South Africa has an obligation to submit reports and transmit petitions concerning South West Africa to the United Nations.

(d) Whilst South Africa is not legally obliged to place the Territory under the Trusteeship System, the provision of Article 12 of the United Nations Charter provides a means whereby South West Africa may be brought under the Trusteeship System.

(e) The "degree of supervision" to be exercised by the General Assembly should not exceed that which applied under the Mandates System and should conform as far as possible to the procedure followed in this respect by the Council of the League of Nations. These observations are particularly applicable to annual reports and petitions.

Having recognized that there is no legal obligation on South Africa to place South West Africa under the Trusteeship System, the *Ad Hoc* Committee on South West Africa was appointed by the General Assembly to examine reports and petitions and to negotiate a settlement in accordance with the advisory opinion of the Court. This specified that "the General Assembly of the United Nations is legally qualified to exercise the functions previously exercised by the League of Nations with regard to the administration of the Territory, and that the Union of South Africa is under an obligation to submit to supervision and control of the General Assembly and to render annual reports to it" (page 137).

Thus it would appear that there is "fundamental disagreement on how supervision of the administration of South West Africa by the Government of the Union of South Africa should be carried out".

Hereros' petition renewed

Following the report of the *Ad Hoc* Committee, Chief Hosea Kutako of the Herero tribe in South West Africa cabled and

wrote to the Secretary General of the United Nations on 8 December 1952 as follows:

I hereby wish to inform you that our wish is to put South West Africa under the direct supervision of the United Nations but not under any other independent instrument. We strongly object to the proposal made by the Union Government to appoint Britain, France and the United States to be the new instrument to whom the reports on the administration of South West Africa should be sent. It is our wish that the reports on the administration of South West Africa should be examined by the United Nations or an instrument appointed by and responsible to the United Nations. As we have been refused to send our own delegation to the United Nations to be present, we again ask the United Nations to send an impartial commission to South West Africa to see the conditions under which we are forced to live as well as to obtain information in regard to our desires. Hoping that the United Nations will consider sending the long desired impartial commission.

I am,

Yours faithfully,

(Signed) Hosea KUTAKO

In defiance of international law and order

Meanwhile, during the two years that these negotiations have been protracted since the advisory opinion of the Court was given, increasingly onerous legislation has been passed in the Union, culminating in the Public Safety Act and the Criminal Law Amendment Act imposing any two of three penalties, namely, flogging, imprisonment and fines for any "organized resistance against the laws of the Union" and making these laws applicable in South West Africa. This "draconic legislation" as it has been described in the *London Times* (21 February 1953) surely constitutes a violation of the Mandate and the sacred trust of civilization reposed in the Union of South Africa in its administration of that Territory.

The Capetown correspondent of the *London News Chronicle* wrote of these Bills, while they were still being debated in the Union House of Assembly, in the *News Chronicle*, 4 February 1953:

The Public Safety Bill gives the Minister of Justice wide powers to declare a state of emergency and legislate by proclamation suspending any law deemed inconsistent with the regulations.

The Criminal Law Amendment Bill prescribes heavy penalties for protesting against laws, and clause one states:

"Whenever any person is convicted of an offence which is proved to have been committed by way of protest, or in support of any campaign against any law, or in support of any campaign for repeal or modification of any law, or variation or limitation of the application or the administration of any law, the court convicting him may, notwithstanding anything contrary in any other law contained sentence him to

"(a) A fine not exceeding £300, or

"(b) Imprisonment not exceeding three years, or

"(c) Whipping not exceeding ten strokes, or

"(d) Both such fine and imprisonment or both such fine and whipping or both such imprisonment and whipping."

The incitement clause provides even heavier penalties for "any person who

"(a) In any manner whatsoever advises, encourages, incites, commands, aids or procures any other person or persons in general, or

"(b) Uses any language or does any act or thing calculated to cause any person or persons in general to commit an offence by way of protest against a law, or in support of any campaign against any law, or in support of any campaign for the repeal or modification of any law or the variation or limitation or the application or administration of any law, shall be guilty of an offence."

The penalties here include a fine of £500, five years' imprisonment and ten strokes.

Ex-Justice Feetham, in an article closely examining the Public Safety Bill, concludes:

"The Bill needs drastic amendment to make its provisions tolerable".

The United Party in Parliament accepted both Bills in principle but proposed amendments to give Parliament power to keep a check on the actions of the Minister. All the amendments were rejected.

Despite the United Party's acceptance, the small Labour Party and the 200,000-strong Torch Commando are opposing both Bills, and the Churches, led by Dr. G. H. Clayton, Archbishop of Capetown, are refusing to "maintain silence in the face of a law which seems to infringe Christian principles".

In a leading article of 4 February 1953, the *London News Chronicle* wrote:

"It would be a pale understatement to describe as reactionary the Bill which the South African Government has now produced in what seems to be an effort to bludgeon its critics into silence. For this measure, introduced by one whose title is Minister of Justice, seeks to impose upon South Africa a tyranny which has more in common with medieval trials for witch-craft than with any modern notion of human freedom.

"The Government's aim is to make it an offence throughout South Africa to protest against any law or to incite anyone else to protest.

"You must not criticize any law. You would be liable to three years' imprisonment, or a £300 fine or ten lashes for any two of these) if you did. You must not advise, encourage or aid anyone else to criticize any law, or use 'any language calculated . . . to cause' such incitement. You would be liable for that to five years' imprisonment, a £500 fine and fifteen lashes.

"Anybody who is in the company of a protester against a law when the 'offence' is committed will be presumed guilty until he proves his innocence. And if protesters or inciters to protest do not pay their fines within forty-eight hours their property may be seized.

"What state would Britain be in if, by some nightmare mistake, we were ever to find legislation like this on our Statute Books?

"You could not grumble then about the income-tax: you would be protesting against a law, and you could expect to be imprisoned or fined or whipped for it.

"You would have to be careful not to stand near a man who was taking a poor view of anything: it might turn out that he had been protesting against a law, and you would be held guilty of association with him until you had proved your innocence.

"You could expect to be muzzled and bound. And that promises to be the condition in which the South Africans will find themselves unless the Minister of Justice should fail to get the Government's Criminal Law Amendment Bill passed—or unless, if it be passed, constitutional machinery enables the Supreme Court to declare the Act invalid and so end this excursion back to the Dark Ages."

Both these Bills have now become Law in South Africa, and there is no legal procedure within the framework of South African Law whereby their constitutionality can be challenged.

From South Africa itself has come an urgent call for support in the campaign against oppressive race legislation. The Reverend Trevor Huddleston, Superior of the Anglican Community of the Resurrection in South Africa appealing to Christian Action in England writes: "I would urge with all my strength that you mobilize every person of standing in England to condemn what is happening out here, particularly the two new Acts of tyranny". (Church of England Newspaper, 6 March 1953).

The High Court of Parliament Act which was enacted by the present Government in 1952, has undermined the Act of Union which was the constitutional basis on which the Union of South Africa as a State and member of the British Commonwealth was entrusted with the Mandate by the Principal Allied Powers to administrate South Africa "as an integral part of the Union".

The South West Africa Act gives the European population of South West Africa six representatives in the South Africa

House of Assembly, while the non-Europeans making nine-tenths of the population are given no representation at all. They are represented by one Senator in the Upper House who must be white and is nominated by the Government.

Compulsory jurisdiction now needed

A world renowned authority on international law, though wishing to remain anonymous, has given it as his considered opinion that the compulsory jurisdiction of the Court could now be sought with regard to the continuation of the original Mandate. The repeated postponements of negotiations and their inconclusive character appear to many as a cynical disregard of the questions of humanity and justice which are involved in this matter. It would surely assist the General Assembly of the United Nations, when it next comes to consider this question at its eighth session, if the judgment of the Court on the points at issue were before it.

If a former member of the League of Nations were to initiate proceedings at the International Court to secure compulsory jurisdiction of the question, it would be possible for an inquiry to be instituted into all legislation recently enacted by South Africa and made applicable in South West Africa. Alternatively, the inquiry instituted by the General Assembly at its seventh session could be extended to include South West Africa and its findings made available to the Court before judgment is given.

Dealing with the compulsory jurisdiction under article 7 of the Mandate, Sir Arnold McNair, one of the judges of the International Court, in a separate opinion published with the advisory opinion stated:

"Although there is no longer any League to supervise the exercise of the Mandate, it would be an error to think that there is no control over the Mandatory. Every State which was a Member of the League at the time of its dissolution still has a legal interest in the proper exercise of the Mandate. The Mandate provides two kinds of machinery for its supervision—judicial, by means of the right of any Member of the League under article 7 to bring the Mandatory compulsorily before the Permanent Court, and administrative, by means of annual reports and their examination by the Permanent Mandates Commission of the League.

"The judicial supervision has been expressly preserved by means of Article 37 of the Statute of the International Court of Justice adopted in 1945:

"'Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.'

"This article effected a succession by the International Court to the compulsory jurisdiction conferred upon the Permanent Court by Article 7 of the Mandate; for there can be no doubt that the Mandate, which embodies international obligations, belongs to the category of treaty or convention; in the judgment of the Permanent Court in the *Mavrommatis Palestine Concessions (Jurisdiction)* case, Series A, No. 2, page 35, the Palestine Mandate was referred to as an 'international agreement'; and I have endeavoured to show that the agreement between the Mandatory and other Members of the League embodied in the Mandate is still 'in force'. The expression 'Member of the League of Nations' is descriptive in my opinion, not conditional, and does not mean 'so long as the League exists and they are Members of it'; their interest in the performance of the obligations of the Mandate did not accrue to them merely from the Membership of the League, as an examination of the content of the Mandate makes clear."

Court may call for commission of inquiry

Sir Arnold McNair continued:

"Moreover, the Statute of the International Court empowers it to call from the parties for 'any document' or 'any explanations' (Article 49) and to entrust any 'individual, body, bureau, commission or other organization that it may

select, with the task of carrying out an enquiry . . .' (Article 50). Article 94 of the Charter empowers the Security Council of the United Nations to 'make recommendations or decide upon measures to be taken to give effect to the judgment' of the Court, in the event of a party to a case failing to carry out a judgment of the Court. In addition, the General Assembly or the Security Council of the United Nations may request the Court to give an advisory opinion on any legal question (Article 96 of the Charter)."

The conclusion may be drawn from the opinion of the Court on questions submitted to it that since the Court holds the United Nations to be the body which should exercise the functions of the League of Nations with respect to South West Africa, any dispute in terms of article 7 of the Mandate could be submitted by the United Nations itself to the International Court as one of the parties to the dispute. Alternatively, the General Assembly could recommend that all or some of the Member States of the United Nations who were members of the League of Nations at its dissolution should take the dispute regarding continuance of the Union's obligations with respect to South West Africa to the International Court for its adjudication under article 7 of the Mandate. The conclusion of a new instrument such as that suggested by South Africa would, however, preclude any recourse to the Court on the basis of the mandated status of South West Africa.

Since the substance of the matter was not brought before the General Assembly at its seventh session and further negotiations have come to no conclusion it would be possible for one or more former members of the League of Nations, such as the United Kingdom, the United States, France, India, Syria, Uruguay, Brazil, Norway, Thailand, etc., to take the case to the Court on their own initiative.

According to Article 53 of the Statute of the Court, if the Union of South Africa refuses to accept the jurisdiction of the Court on the ground that the Mandate has lapsed or declines to plead before it the Court can give an *ex parte* judgment after satisfying itself that it has jurisdiction in accordance with Articles 36 and 37 and that the claim is well founded in fact and law.

The United Nations Charter provides for the enforcement of a judgment of the Court in case of its non-compliance by a Member State in spite of its undertaking to do so under paragraph 1 of Article 94 of the Charter. Paragraph 2 of that Article authorizes recourse to the Security Council by the party affected and the Security Council "may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment".

Different opinions exist as to what action the Security Council can take to enforce a judgment of the International Court but if no action is taken by the Security Council, Articles 1, 2, 10 and 14 of the Charter leave the way open for action by the General Assembly on the question as a whole.

If South Africa should continue to refuse to carry out its legal obligations with respect to the Mandate of South West Africa, this could lead to its expulsion from the United Nations under Article 6 of the Charter. That might not be the end of the matter since under Article 2, paragraph 6, of the Charter the United Nations is required to ensure that the actions of States which are not Members of the United Nations conform to the principles of the Charter as far as is necessary for the maintenance of international peace and security.

There is danger, therefore, in the Union Government's position that, if this is persisted in, it may lead to the request by one or more States for an adjudication by the International Court. Defiance of the International Court by the Union of South Africa could in its turn set in motion a chain of action which could include a commission of inquiry into discriminatory conditions and legislation similar to the inquiry initiated by the Political Committee for the Union itself at the seventh session, but carrying with it the force of compulsory jurisdiction and following upon that further action by the General Assembly or the Security Council which could include the imposition of economic sanctions against South Africa, such as an embargo on its imports of oil and other commodities which could have serious political consequences for the Government in power.

The concept of protection of the rights of indigenous peoples and their tutelage goes back very much further than the Trusteeship System of the United Nations, and without it our civilization could hardly justify itself in Africa. It has been conceived and nurtured in the past century of colonial rule, and those who claim the moral leadership of the world at the present time cannot afford to connive at the breach of trust which South Africa's incorporation of South West Africa (or any of the Protectorates) into its tyrannical régime of racial discrimination would constitute. Britain herself is fast reaching a turning point in the history of her relations with Africa, and her initiative is required in an increasingly lawless world in consolidating what has been gained through generations of her rule in Africa. To Britain falls much of the responsibility now for keeping the confidence of Africans in the processes of internal and international law and order as well as in the principles of justice which underlie those processes.

It is therefore suggested that the compulsory jurisdiction of the Court should now be sought by former members of the League and a commission of inquiry appointed under Article 50 of the Statute of the Court.

Part II

RECORD OF HEREROS' APPEALS

It may be useful here to recapitulate some of the circumstances under which the writer came to represent the case of the Hereros in their enforced absence; for this purpose a letter to the Chairman of the Fourth Committee in Paris, dated 1 January 1952, may be quoted:

International League for
Rights of Man,
Non-Governmental Organizations
Section, United Nations
1 January 1952

The Chairman,
Trusteeship Committee,
United Nations,
Palais de Chaillot,
Paris

South West Africa

Sir,

I enclose herewith a statement relating to the request that Chief Hosea Kutako and others of the Herero, Nama and Berg Damara tribes be permitted to appear before your Committee in accordance with its resolution A/C.4/L.136 of 15 November 1951.

The enclosed statement is drawn up in reply to a number of questions asked by distinguished delegates when I made an oral submission to your Committee on 8 December. It was then hoped that the chiefs concerned or their representatives would be granted travel facilities and I asked if replies to these questions could await their arrival.

Since they have not yet been granted these facilities and are therefore unable to appear and express themselves orally I have drawn up this statement which sets out in their proper order and context the relevant documents, including verbatim records of their own statements and petitions, which have been submitted by me on their behalf since 1946.

The serious implications of the South African Government's failure to comply with five successive resolutions of the General Assembly and with the advisory opinion of the International Court of Justice have been the subject of a number of petitions also from public bodies outside the Territory (A/1901/Add. 1-3.) In these it has been suggested that persistence in this course by the Union of South Africa would constitute a threat to peace and good order in Africa and that in that event recourse to the Security Council might have to be considered (See United Nations document A/1901/Add.3. Fellowship of Reconciliation, Canada).

I would convey through you, Sir, the deep anxiety of those Africans who have petitioned the United Nations from South

West Africa, and at the same time their deep appreciation of the work of your Committee. In bearing the burden of critical decisions which will so profoundly affect Africa you are assured of the support and prayers of those Africans for whom the United Nations Organization is still inaccessible but is yet a firm ground of faith. And I trust your Committee's invitation to them to appear before it will remain open to them.

Under the circumstances at present prevailing in Southern Africa, where mounting suspicion and hostility need to be overcome by good faith and confidence, the attention of the United Nations ought also to be called to the threat which exists, not only to South West Africa, but to three other non-self-governing territories, namely, the British protectorates of Bechuanaland, Basutoland and Swaziland. On several occasions in recent months, the Prime Minister of South Africa has publicly declared his intention of making an issue at the next general election there of his demand for the incorporation of these three non-self-governing territories into the Union of South Africa.

I would like to conclude, Sir, with two Africans' statements. One is from an old Herero man who fought against the Germans in 1906:

"What we do not understand is that when two nations have been at war, such as Britain and Germany or Italy, and when one or another of these nations is defeated, the lands belonging to that other nation are not taken away from them. That nation remains a nation and their lands belong to them. The African people, although they have always been on the side of the British people and their Allies, yet have their lands taken away from them and are still treated as though they had been conquered by them" (Summary Record, Fourth Committee, 1949, page 261, paragraph 31).

And from David Witbooi, an aged Nama chief mentioned in your resolution:

"If we have to put down in writing the conditions of our life, then, we do not know where to begin and where to end. Should we be born and live and close our eyes under this unending imprisonment? Are we a cursed generation because our chiefs fought for the freedom of their people, their nation and their land?" *Ibid.*, page 264, paragraphs 71 and 72.

Yours faithfully,
(Signed) Michael Scorr

It has not yet been possible for the South West African chiefs or their designated representatives to obtain the necessary travel facilities to enable them to appear before the Trusteeship Committee as invited. I have received a further cable from Chief Hosea Kutako stating that they have not yet been able to obtain passports from the South African Government, that they approached the Native Commissioner on 18 December 1951 and again on 27 December 1951 and were told to await the Government's decision.

Under the circumstances, and in view of a number of questions which have been asked of me by a number of delegations, I should like as briefly as possible to recapitulate the circumstances in which the Herero people and others came to make their appeal to the United Nations, and I should like to refer to the facts about my own association with them since these were the subject of a question by the distinguished delegate of Sweden and others, and also to summarize the opinions and information submitted by me on their behalf.

In the first place, it is a matter on record in the United Nations archives that the Herero people first made representation to the United Nations in 1946 before I had been to South West Africa or had met any of their leaders there or in Bechuanaland. This cable from Hosea Kutako was listed by the Secretariat at the time of its first debate on the question of South West Africa in 1946. My work since 1943 when I returned to South Africa had been at the St. Alban's Mission, in the slum districts of Johannesburg and I had never previously been in the territory of South West Africa. In November of that year, I was staying in Bechuanaland with Tshekedi Khama and was informed that

Frederick Mahareru, the traditional Paramount Chief of the Hereros would like an interview with me. In the course of this interview he explained that great anxiety was being felt by his people and by their leaders in South West Africa as they were being asked their opinions regarding the future of their country and he was receiving letters asking him to go there and help them. "The heritage of your fathers' orphans is about to be taken from them", said one of the letters.

"Some of us have been to Windhoek to attend a meeting to discuss the country. The white people there say that the country must be joined to the Union, but we said that it could not be joined to the Union but should be given to us as it is ours. All efforts are being made to prevail on us so that it may be joined to the Union.

"Chief Frederick, the heritage of your father's orphans is about to be taken from them and because we cannot speak with one voice as we are scattered all over their country our heritage may therefore fall to that side for which we have no liking."

said other letters.

It was explained to me that there were difficulties about the free movement of their people inside the territory and between Bechuanaland and South West Africa. He hoped it would be possible for me to visit them and also that their fears and views could be made known.

At the same time, I was shown the correspondence and record of interviews which had passed between Chief Frederick Mahareru, the High Commissioner for the United Kingdom, Tshekedi Khama and others in Bechuanaland regarding their views on the question of the incorporation of South West Africa into the Union. In an interview with the High Commissioner on 20 September 1946, at Mafeking, Chief Frederick Mahareru said

"I have heard with alarm that my country will be incorporated into the Union, and so I desired to meet your Excellency and ascertain whether it is true that my country is going to be made part of the Union."

The views of the five senior chiefs of Bechuanaland were set out also in a memorandum entitled "The Case for Bechuanaland" which was given to me at the same time.

After hearing these opinions I communicated by cable with the United Nations Secretary-General on 12 November 1946 asking whether the opinions of the Herero, Nama and Berg Damara tribes had been made known to the United Nations.

Early in 1947, I visited South West Africa and after obtaining an official written permission from the Government visited Chief Hosea Kutako in his reserve at Amenuis. I made a written record of this and subsequent interviews at Gobabis and Windhoek with Chief Hosea Kutako and other elders and people of the Herero, Nama and Berg Damara tribes with the dates on which they occurred, the names of interpreters and others present and conveyed these to Chief Frederick in Bechuanaland. It was on the basis of these views and wishes expressed in these interviews that the petition addressed to the United Nations in 1947 was made. On my return to South West Africa, this petition was signed at gatherings of chiefs and elders at Windhoek, Gobabis and Okahandja. This petition and an explanatory memorandum containing a record of the original interviews with Chief Frederick and the correspondence with the United Kingdom High Commissioner for Bechuanaland were conveyed to the United Nations in New York in 1947, and were published as United Nations documents A/C.4/94, 95, 96 and 97. Objections to this petition were made by the South African Government and recorded in document A/C.4/118.

I returned to South West Africa in February 1948 to report on the question as it then stood and on the debate that had taken place in the Trusteeship Committee and the plenary session and also on the Trusteeship Council's examination of the report submitted on the Administration of South West Africa for 1946 by the Union Government, and the fifty questions which had been submitted to the Government of South Africa on their report. (See United Nations document T/175). I was not allowed permits to visit the Reserve where the

petitioners lived and was granted only one permit to visit one location by the Magistrate at Gobabis for a period of four hours, and on condition that I promised not to hold a public meeting.

I camped outside the Windhoek location for several weeks and recorded interviews with the Chiefs Hosea Kutako, Nicamor Hoveka, Festus Kandjo and a number of other leaders during that time.

After recording these statements in English they were read back by the interpreters to those who had made them (in their own language) and were then signed and witnessed by the interpreters and others present.

These statements I also conveyed to the United Nations in 1949. Having failed to reach Paris in November 1948 in time for the debate on account of passport and travel difficulties, I went to New York and, in 1949, was granted permission to address the Trusteeship Committee, after numerous letters and documents constituting my credentials had been examined by a special committee appointed by the Trusteeship Committee, and were found to be worthy of "full faith and credit". (See United Nations documents A/C.4/L.60, 62, 57.)

In the course of my submission in 1949, I described the conditions in the territory as they had been described to me by these Africans and the hopes and fears which they had expressed to me and which they had hoped they would be allowed to convey to the United Nations themselves. I reiterated their request to be allowed to be present when the question of the future of their country was being discussed by the Fourth Committee and submitted a number of written statements and an extract from the South West Africa Commission on Native Labour which had been published and these were printed in the annexure to the proceedings of the Trusteeship Committee in 1949 (Summary Record, Fourth Committee, 1949, and Annexure, pages 13-36).

While in Paris at this session of the United Nations the writer received a notification from the Ministry of the Interior that I had been declared "a prohibited inhabitant of or visitor to the Union". And it has not yet been possible to get this order rescinded. In the absence of the Chiefs, the Fourth Committee heard further oral submissions from the writer and a resolution was passed authorizing the *Ad Hoc* Committee to continue its negotiations. This resolution was repeated again in 1952.

Part III

A BRIEF HISTORY OF THE MATTER

The importance which was attributed in the past by the League of Nations and at present by the United Nations to the question of South West Africa derives from the fact that the history of this territory was one of the primary reasons for bringing into being the system of international accountability for colonial territories. It had been in South West Africa that one of the darkest chapters of the white man's dealings with Africa had been enacted by Germany.

Three of the principal tribes there had been converted to the Christian faith by the early German missionaries of the Lutheran church. They were the Hereros, the Namas or "Hottentots", and the Berg Damaras. After their conversion to the Christian gospel and acceptance of Christ as the Saviour they found themselves being remorselessly deceived and dispossessed of their lands and rights through bogus treaties and "gentlemen's agreements". The doctrine of the "herrenvolk" was first applied as a principle of colonial policy in Africa by Paul Rohrbach of the German Colonial Office. One of the principal executives of this policy was none other than the father of Herman Goering. When the Africans awoke to the full significance of this doctrine and its implications they rose in abortive revolt to find that they had been surrounded by the German army. After their defeat they were massacred. The Hereros were reduced from 80,000 to 15,000 men, women and children, and the Nama people were halved, according to the British Government's Blue Book C.D. 9146.

The horrors of that massacre in the desert under the orders of the German General von Trotha, are remembered in South West Africa to this day by their Chief, Hosea Kutako, and others who have miraculously kept their faith in spite of all that has happened to them. Europe has since been twice devastated by a Germany inebriated with this doctrine of racial supremacy.

During the First World War some of the Herero chiefs who had sought refuge in the neighbouring British Protectorate of Bechuanaland were persuaded by the British authorities to go back into South West Africa and to persuade their people to support the Allied armies. In return for this, they were given to understand that their traditional lands would be returned to them. When they asked that this should be put in writing they were told that the treaty would be drawn up after the war and after the defeat of Germany but could not be done before. For their support to the Allied armies many Hereros were shot and were hanged from the trees by wire ropes and were buried up to their necks in the sand.

After the war, the Treaty of Versailles was signed between the Allies and Germany. The United States of America was not a signatory to the Versailles Treaty but signed her own treaty with Germany. Under these treaties, Germany's colonial possessions were not to be transferred to the ownership of the Allies, but the principle of international accountability was to be established through the Permanent Mandates Commission of the League of Nations. This body was entrusted by the principal Allied and Associated Powers (which included the United States) with the task of examining annual reports by the administering Powers and it was also given the responsibility of examining petitions from the inhabitants. Thus the inhabitants of South West Africa were among the first to receive a formal right of petition to an international tribunal.

South Africa was entrusted with the task of administering South West Africa by the Principal Allied and Associated Powers (not by the League of Nations). It was to be regarded as a "sacred trust of civilization". Its primary purpose was to be the economic and social well-being of the inhabitants.

When at the end of the Second World War South Africa claimed the right to incorporate South West Africa into the Union, this claim was rejected by the United Nations General Assembly at London and at San Francisco, and every year subsequently the United Nations has passed resolutions calling upon South Africa to bring the territory under the Trusteeship System or to continue administering it as a Mandate. South Africa has pursued its own course and has in effect incorporated it into the Union by giving South West Africa six seats in the Union's House of Assembly. Only the white one-tenth of the population has the right of election, however. The "non-European" nine-tenths of the population is represented by one senator in the Upper House who is nominated by the Government and who must be white.

It was because of this and because of the extent to which racial discrimination has been applied in this so-called "sacred trust of civilization" that the United Nations showed a patience and a readiness to grant a hearing to the Africans from that territory when they appealed to the United Nations. Dr. Malan is exasperated by the persistence of the United Nations and their refusal to recognize his *fait accompli*.

In 1949, and again in 1951, the writer was given permission to make an oral statement before the Fourth Committee on behalf of the petitioners. In 1951, the South African Government had refused to allow Chief Hosea Kutako and others to come, after they had received a cable from Dr. Ralph Bunche conveying the readiness of the Fourth Committee to hear them. The South African representative walked out of the Fourth Committee in protest at the action which he considered unconstitutional and an interference in the domestic affairs of South Africa.

The procedural question involved here, however, was not the right of petition of the inhabitants of South West Africa or whether this should be an oral or written petition, as it

had been under the League, but rather the right of a committee of the United Nations to hear first-hand evidence on a matter of which it had been legitimately seized by the General Assembly. The subject of South West Africa had been entrusted to the Fourth Committee to deal with by the General Assembly. For five years they have been inviting South Africa to come to some agreement which would continue the essential features of the Trust. If, as South Africa contends, the League of Nations is dead, that does not mean, as the International Court of Justice pointed out in its advisory opinion on the matter, that the obligations are dead. These continue, and if South Africa does not wish to recognize the Trusteeship System then there was the *Ad Hoc* Committee especially set up by the Fourth Committee to negotiate an agreement as nearly as possible in accordance with the terms of the Mandates System.

(The Hereros' petition did not establish the right of any individual or group to be granted a hearing but rather the right of the Committee itself to hear evidence, if necessary in face of the opposition of a Member State, where it considered the subject itself of sufficient importance to warrant this. The discretion of course remains with the Fourth Committee, and groups in colonial territories ought not to assume that they have an established right to a hearing by the Fourth Committee. The inhabitants of the Trust Territories are the only people who can yet be said to have the right of petition with a procedure established for the hearing of oral petitions.)

South Africa continues to refuse to negotiate any agreement with any organ of the United Nations, or to recognize its jurisdiction in South West Africa. The United Nations, however, maintains that it has an obligation towards the inhabitants of that territory, and that South Africa has obligations towards them and towards the United Nations. The question remains—how will this tribunal of the world, which for all its shortcomings remains the only tribunal for the continuance of this sacred trust of civilization, be able to make effective the rule of international law in this African base. It is a very significant case at the present time and one which is being watched by all Africa in face of the threat of increasing lawlessness and racial discrimination by the present Government against the African and other "non-European" peoples of the territories under its otherwise undisputed sway.

The determination which the United Nations has shown in this matter may not be of the same order as that shown in resistance to aggression elsewhere. But it is significant in the whole world context at the present time. The West cannot afford another *débâcle* in Africa such as it has suffered in Asia. There must not be another Malaya in Africa. The West must somehow bring home to the South African Government the irresponsibility of its policies in Africa and their increasingly dangerous consequences, before it is too late.

This may explain the persistence of the United Nations in seeking to grant a hearing to these African chiefs. They were refused permission to attend the United Nations and the writer has been declared a "prohibited inhabitant of or visitor to the Union". But the attempt to secure a hearing for Chief Hosea Kutako will go on because it is of importance to the African people that his story should go on record and should be heard, for it is the story of his people, from his childhood till today. It is the history of the impact of our civilization on that part of Africa, and of all that now has to be rectified with all the technical resources that our civilization has through the United Nations and its specialized agencies.

The question of a hearing (while it has not established a precedent or procedure yet whereby all colonial peoples can appeal to the United Nations or the Fourth Committee) has, despite South Africa's defiance, strengthened the conception of international accountability for colonial territories and respect for the rights of indigenous peoples. It has also increased the importance of the part which the non-governmental organizations can play in representing the interests of those who, for political reasons, may not themselves have access to the United Nations and who, without some unofficial channel of communication, would remain inarticulate.

Nevertheless, in the particular case of South West Africa it was the importance of the subject in the general history of colonial rule and the present development of trusteeship, and the recognition of this by the Fourth Committee, that led to the grant of a hearing to the writer in the absence of the Herero Chief.

Under the circumstances related above it is urgently necessary to appeal to those who were formerly Members of the League of Nations to initiate proceedings at the International Court of Justice to secure its compulsory jurisdiction in the matter of South West Africa and to call for a commission of inquiry in accordance with Article 50 of the Statute of the Court.

Appendix VIII

Chief Hosea Kutako,
P. O. Box 1034,
Windhoek,
South West Africa,
8 December 1952

The Secretary-General,
United Nations,
New York

Sir,

I hereby wish to inform you that our wish is to put South West Africa under the direct supervision of the United Nations but not under any other independent instrument.

We strongly object to the proposal made by the Union Government to appoint Britain, France and the United States to be the new instrument to whom the reports on the administration of South West Africa should be sent.

It is our wish that the reports on the administration of South West Africa be examined by the United Nations, or an instrument appointed by and responsible to the United Nations.

As we have been refused to send our own delegation to the United Nations to present, we again ask the United Nations to send an impartial commission to South

West Africa, to see the conditions under which we are forced to live as well as to obtain information in regard to our desires.

Hoping that the United Nations will consider sending the long desired impartial commission,

I am,
Yours faithfully,
(Signed) Hosea KUTAKO

Appendix IX

Chief David Witbooi,
c/o P. O. Box 17,
Gibeon, South West Africa,
1 June 1953

The Chairman,
Ad Hoc Committee on South West Africa,
United Nations,
New York

Dear Sir,

I, the undersigned Chief of the whole Nama tribe in South West Africa humbly beg to state my opinion as follows:

During the last years until now the question of the future of South West Africa has been debated seriously. It has come so far that the opinion of the International Court of Justice has been asked, and other different opinions and suggestions have been made from all sides although they have reached no definite agreement. In spite of the fact that no opinion has been asked to us as a population, which is most vexed by this question we are very worried with the future of this country of ours.

On behalf of my people I wish to call upon the United Nations to resolve no agreement whatsoever in connexion herewith until the United Nations has forwarded an impartial commission to us or until our own people represent us on the United Nations. Among all those motions which have been made in that matter the suggestion given by the American student namely Herbert F. Krensky is considered as an effective one.

This suggestion which contains the whole Southern Africa calls the "Confederation as a possible solution for the Race Question in the Union" and is written in the Afrikaans News Paper the "Huisgenoot" of the 19 September 1952. In this suggestion the Southern Africa is divided into twenty-four federation States, twelve of whom are the Sovereign European States, and the other twelve are the non-European States ruled by themselves.

If this idea is accepted it means, that the Nama tribes should have no occupation at all, because the proposer has made no provision for this big nation in his opinion and has left it out consciously. The parts whereon the Nama tribes should claim begin from north to south from the southern point of the Reaboth Republic up to the Southern point of the Bondeis Reserve and, from West to East, from the Namib country up to the Kalahari.

If this idea is accepted, once more I wish to call upon the United Nations to declare these parts as the "Namaland Republic" as it has been done with the other nations, otherwise we do not receive it peacefully and with congratulation.

The suggested plan is enclosed for your information.⁹

I remain, yours in expectation,

(Signed) Chief David WITBOOI

⁹ Note by the Secretariat: The suggested plan is in the files of the Secretariat and may be examined upon request.

DOCUMENT A/2475/Add.1

Addendum to the report of the *Ad Hoc* Committee on South West Africa

[Original text: English]

[8 October 1953]

1. Following upon the release of its report to the General Assembly (A/2475), the *Ad Hoc* Committee on South West Africa held its 40th meeting on 7 October 1953, when it considered a communication, dated 7 October 1953, addressed to the Chairman of the *Ad Hoc* Committee by the Permanent Representative of the Union of South Africa to the United Nations. The Committee, having already stated its views in its report to the General Assembly, decided to transmit the letter, without further comment, to the General Assembly (see appendix I).

2. The Committee also received and examined a communication dated 10 September 1953 from the Women's International League for Peace and Freedom.

3. With regard to this communication, the *Ad Hoc* Committee decided:

(a) To accept the communication, as far as it relates to the Territory of South West Africa, as a petition;

(b) In accordance with the procedure of the former Mandates System, to transmit the petition to the Government of the Union of South Africa for comment; and

(c) To include the petition in its report to the General Assembly (see appendix II).

4. By a letter dated 7 October 1953, the Committee transmitted the petition to the Government of the Union of South Africa for comment.

Appendices

Appendix I

LETTER DATED 7 OCTOBER 1953, FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOUTH AFRICA
ADDRESSED TO THE CHAIRMAN OF THE *Ad Hoc* COMMITTEE ON SOUTH WEST AFRICA

I have the honour to acknowledge the receipt of your letter No. TRI.132/1/06 of 14 September 1953 on the question of South West Africa and to inform you that the contents thereof have been communicated to the Government of the Union of South Africa.

As regards the contention of the Committee set out in paragraphs 3 and 4 of your letter, I would express the view that this contention does not take cognizance of the full history of the negotiations and that my delegation are satisfied that at the last meetings with your Committee we were still not certain whether the idea of an agreement with the three Powers had been finally and formally rejected. When a statement to this effect was made by me to the Committee on 25 June 1953 it was not challenged.

In substantiation of the foregoing I would draw attention to the following paragraphs appearing on the final page of the summary record of the 38th meeting (part I) held at New York on Thursday, 25 June 1953 (A/AC.49/SR.38/part I):

"In order to clarify the situation, he (Mr. Jooste) enquired whether it was the requirement of the Committee that the Union Government should assume its obligations to the United Nations with

regard to the administration of the Territory, and not to the three Powers as principals. He wished to ascertain whether the Committee as a whole had decided, formally, to reject the proposal itself, which had been constantly under discussion throughout the negotiations",

and again:

"Mr. Jooste (Union of South Africa) observed that, at any rate, the Committee had never formally rejected his Government's proposals on their merits, but had always taken its stand on its terms of reference. He hoped that the reply would be forthcoming at last and that, in the event that it was unfavourable, the Committee would state its reasons.

"The Chairman stated that he wished to consult briefly with the Committee in private, after which the discussion with the South African delegation would be continued".

However, I do not propose, in the present correspondence at all events, to pursue this matter any further.

(Signed) G. P. JOOSTE
*Permanent representative of the
Union of South Africa*

Appendix II

LETTER DATED 10 SEPTEMBER 1953, FROM THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
ADDRESSED TO THE CHAIRMAN OF THE *Ad Hoc* COMMITTEE ON SOUTH WEST AFRICA

Women's International League
for Peace and Freedom
British Section
London Office: 29, Great James Street
London, W.C.1

On behalf of the British Section of the WILPF (Consultative status B with the Economic and Social Council and consultative status with the United Nations Educational, Scientific and Cultural Organization) I write for the third year in succession to express our continuing grave concern on the question of South West Africa. Since no conclusive agreement was reached at the seventh session of the United Nations General Assembly in spite of protracted negotiations of your Committee with the representative of the Union of South Africa, we cannot too strongly urge that such measures of action be decided on as may induce the

Government of the Union to comply with its obligations as a Member State of the United Nations.

It is much to be hoped that one or more former members of the League of Nations will take the initiative and adopt the necessary procedure to bring the matter to the International Court of Justice to secure its compulsory jurisdiction and that a commission of enquiry be called for in accordance with Article 50 of the Statute of the Court.

Believing that a fundamental question of human rights is involved, we particularly support the appointment of a commission of enquiry and are certain it would be very much welcomed by the indigenous peoples of the territory.

(Signed) Edith F. INESON
Hon. Secretary

DOCUMENT A/2475/Add.2

Second addendum to the report of the *Ad Hoc* Committee on South West Africa

[Original text: English]
[9 November 1953]

1. Following upon the release of its report to the General Assembly (A/2475 and A/2475/Add.1), the *Ad Hoc* Committee held its 41st meeting on 6 November 1953, when it considered a communication, dated 29 October 1953, addressed to the Secretary-General by Hosea Kutako, David Roos and Erastus Amgabeb.

2. The Committee realized on the one hand that, in accordance with the procedure of the Permanent Mandates Commission of the League of Nations, petitions from the Territory itself sent through any channel other than the Mandatory Government were re-

turned to the signatories with the request that they should re-submit them in accordance with established procedure. On the other hand, the Committee, being aware of the attitude of the Government of the Union of South Africa, expressed in letters dated 8 and 25 April 1952 (see A/2261, paragraphs 30 and 31), decided to transmit this communication to the General Assembly (see appendix 1) and also to the Government of the Union of South Africa. The Committee transmitted the communication to the Government of the Union of South Africa by a letter dated 9 November 1953.

Appendix

LETTER DATED 29 OCTOBER 1953, FROM HOSEA KUTAKO, DAVID ROOS AND ERASTUS AMGABEB, ADDRESSED TO THE SECRETARY-GENERAL

P.O. Box 1034
Windhoek
South West Africa
29 October 1953

On behalf of the Nama, Herero and Berg Damara tribes of South West Africa, we the undersigned should like to make a further plea that South West Africa be placed under the trusteeship of the United Nations Organization.

We strongly object to the proposal made by the Union Government that they should assume their obligations to the three allied Powers—Britain, France and the United States of America—and not to the United Nations.

The African people of South West Africa are despised and neglected by the Union Government. The lands that originally belonged to the Nama, Herero and Berg Damara tribes have not yet been returned to them. Up to now, racial discrimination and legislation such as the Pass Laws, Masters and Servants Act and other acts which are aimed at oppressing, impover-

ishing and treating the Africans as inferiors are still in force.

We believe that the United Nations as a recognized international Organization, which has been acknowledged by the Member States through their signatures, and which aims at the maintenance of justice and human rights is the only Organization which will save the situation in South West Africa.

We wrote repeatedly to the United Nations asking for a United Nations commission to be sent to South West Africa, to study the oppressive laws pursued by the Union Government in South West Africa.

Since no conclusive agreement was reached at the seventh session of the United Nations General Assembly, we hope the United Nations will now send the commission.

(Signed) Chief HOSEA KUTAKO
David Roos
for Chief David Witbooi
Erastus AMGABEB
(Berg Damara tribe)

DOCUMENT A/C.4/245

Financial implications of the draft resolution adopted by the Fourth Committee (A/C.4/L.305/Rev.1 and Add.1): estimate submitted by the Secretary-General

[Original text: English]
[11 November 1953]

1. On the assumption that the proposed committee on South West Africa would be composed of members of permanent delegations at the seat of the United Nations Headquarters and would hold its meetings only in New York, it is not anticipated that any provision in the United Nations budget would be necessary in respect of travel and subsistence expenses for the members.

2. There would be some supplementary work involved in servicing the Committee:

(a) as regards the translation into the two other working languages of the analyses to be made regarding the information and documentation which may be available in respect of the Territory of South West Africa and of the reports and petitions which may be

submitted to the Committee or to the Secretary-General on the subject;

(b) as regards the servicing of the meetings by précis-writers and translators in three languages.

While the additional work to be anticipated from the above cannot be estimated accurately at the present time and might have to be provided for later, in the light of experience, every effort will be made to meet the fore-

going requirements during 1954 within the limits of the existing resources.

3. No significant extra printing expenditure is to be anticipated, nor is it expected that any additional budgetary provision would be required for the reproduction, distribution of documents, and for the servicing of the meetings, by interpreters, as well as for the physical accommodation of the Committee, provided its meetings in New York do not take place during peak conference periods.

DOCUMENT A/2572

Report of the Fourth Committee

(Original text: English)
(24 November 1953)

1. In accordance with General Assembly resolution 651 (VII) of 20 December 1952, the Assembly decided, at its 435th plenary meeting on 17 September 1953, to include the question of South West Africa in the agenda of its eighth session. At the same meeting, the General Assembly referred the question to the Fourth Committee.

2. During its 357th through its 364th meetings, on 6, 9, 10, 11 and 12 November 1953, the Committee considered the report of the *Ad Hoc* Committee on South West Africa (A/2475 and Addenda 1 and 2).

3. At the 357th meeting on 6 November 1953, Burma and India submitted a joint draft resolution (A/C.4/L.304).

4. At the 360th meeting, on 10 November 1953, Afghanistan, Brazil, Burma, Denmark, Egypt, India, Indonesia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Uruguay, who were joined by Iraq and Liberia at the 362nd meeting, submitted a draft resolution (A/C.4/L.305/Rev.1 and Add.1) whereby the General Assembly would, *inter alia*, (1) establish, until such time as an agreement was reached between the United Nations and the Union of South Africa, a committee on South West Africa consisting of nine members and request this committee to (a) examine, within the scope of the Questionnaire adopted by the Permanent Mandates Commission of the League of Nations in 1926, such information and documentation as might be available in respect of the Territory of South West Africa; (b) examine, as far as possible, in accordance with the procedure of the former Mandates System, reports and petitions which might be submitted to the committee or to the Secretary-General; (c) transmit to the General Assembly a report concerning conditions in the Territory taking into account, as far as possible, the scope of the reports of the Permanent Mandates Commission of the League of Nations; (d) prepare for the examination of the General Assembly a procedure for the examination of such reports and petitions which should conform as far as possible to the procedure followed in this respect by the Assembly, the Council and the Permanent Mandates Commission of the League of Nations; (2) authorize the committee to continue negotiations with the Union of South Africa in order to implement fully the advisory opinion of the International Court of Justice regarding the question of South

West Africa; and (3) request the committee to submit reports on its activities to the General Assembly at its regular sessions.

5. At the 360th meeting, Burma and India, having become co-sponsors of the above joint draft resolution and of a further joint draft resolution (A/C.4/L.306 and Add.1) withdrew the joint draft resolution which they had submitted at the 357th meeting (A/C.4/L.304).

6. At its 364th meeting on 12 November 1953, the Committee voted on the joint draft resolution (A/C.4/L.305/Rev.1 and Add.1) as follows:

7. The first paragraph of the preamble was adopted by 43 votes to 6.

8. The second paragraph of the preamble was voted upon in three parts. Sub-paragraph (a) was adopted by 48 votes to one, with one abstention. Sub-paragraph (b) was adopted by 42 votes to one, with 7 abstentions. Sub-paragraph (c) was adopted by 47 votes to one, with 2 abstentions. The paragraph as a whole was then adopted by 45 votes to one, with 4 abstentions.

9. The third, fourth and fifth paragraphs of the preamble were each adopted by 44 votes to one, with 5 abstentions.

10. Paragraph 1 of the operative part of the draft resolution was adopted by 45 votes to one, with 5 abstentions.

11. Paragraph 2 was adopted by 44 votes to 5, with 3 abstentions.

12. Paragraph 3 was adopted by 46 votes to one, with 4 abstentions.

13. Paragraph 4 was adopted by 45 votes to 4, with 2 abstentions.

14. Paragraph 5 was adopted by 45 votes to 3, with 3 abstentions.

15. As regards paragraph 6, the Committee voted first on that part of sub-paragraph (a) reading "though it should not exceed that which applied under the Mandates System", which was adopted by 35 votes to 5, with 11 abstentions. The Committee next voted on sub-paragraph (a) as a whole, which was adopted by 40 votes to one, with 10 abstentions. It then voted on sub-paragraph (b), adopted by 46 votes to one, with 4 abstentions and, finally, on paragraph 6 as a whole which was adopted by 41 votes to one, with 9 abstentions.

16. Paragraph 7 was voted on in parts. The first part, up to and including the words "International Court of Justice" was adopted by 43 votes to 2, with 7 abstentions. The remainder of the paragraph was adopted by 48 votes to one, with 2 abstentions; the paragraph as a whole was adopted by 43 votes to 2, with 7 abstentions.

17. Paragraph 8 was adopted by 50 votes to one, and paragraph 9 by 49 votes to one.

18. Paragraphs 10 and 11 were each adopted by 47 votes to one, with 3 abstentions.

19. Paragraph 12 was voted on in parts. Sub-paragraph (a) was adopted by 39 votes to 12, with one abstention. Sub-paragraph (b) was adopted by 39 votes to 8, with 6 abstentions. Sub-paragraph (c) was adopted by 39 votes to 8, with 4 abstentions, and sub-paragraph (d) by 45 votes to 6, with 1 abstention. The paragraph as a whole was then adopted by a roll-call vote of 39 to 8, with 6 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Belgium, Byelorussian Soviet Socialist Republic, Czechoslovakia, France, Poland, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics.

Abstaining: Australia, Canada, Israel, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland.

20. Paragraph 13 was adopted by 44 votes to 6, with 2 abstentions.

21. Paragraph 14 was adopted by 43 votes to 6, with 3 abstentions.

22. The joint draft resolution as a whole (A/C.4/L.305/Rev.1 and Add.1) was then adopted by a roll-call vote of 41 to one, with 11 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Union of South Africa.

Abstaining: Australia, Belgium, Byelorussian Soviet Socialist Republic, Czechoslovakia, France, Netherlands, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

23. Concurrently with the above joint draft resolution (A/C.4/L.305/Rev.1 and Add.1), the Committee considered a joint draft resolution (A/C.4/L.306 and Add.1) submitted at the 360th meeting on 10 November 1953 by Afghanistan, Burma, Egypt, India, Indonesia, Iraq, Pakistan, the Philippines, Saudi Arabia, Syria and Uruguay, whereby the General Assembly would (1) reiterate 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 and 570 B (VI) of 19 January 1952, to the effect that the Territory of South West Africa should be placed under the International Trusteeship System; and (2) reassert that the normal way of modifying the international status of the Territory would be 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. At its 364th meeting on 12 November 1953, the Committee voted on the joint draft resolution (A/C.4/L.306 and Add.1).

25. The first paragraph of the preamble was adopted by 44 votes to one, with 7 abstentions.

26. The second paragraph of the preamble was voted on in parts. Sub-paragraph (a) was adopted by 39 to 6, with 6 abstentions. Sub-paragraph (b) was adopted by 39 votes to one, with 12 abstentions. The second paragraph of the preamble, as a whole, was then adopted by 39 votes to one, with 12 abstentions.

27. The third paragraph of the preamble was adopted by 44 votes to one, with 6 abstentions.

28. Paragraph 1 of the operative part of the draft resolution was adopted by 42 votes to one, with 8 abstentions.

29. Paragraph 2 was adopted by 43 votes to one, with 7 abstentions.

30. The joint draft resolution as a whole was then adopted by a roll-call vote of 42 to one, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Union of South Africa.

Abstaining: Australia, Belgium, Canada, Denmark, France, Greece, Netherlands, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland.

Recommendations of the Fourth Committee

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

QUESTION OF SOUTH WEST AFRICA

Draft resolution A

The General Assembly,

Having accepted, by resolution 449 A (V) of 13 December 1950 and by resolution 570 (VI) of 19 January 1952, the advisory opinion of the International Court of Justice with respect to South West Africa,

Recalling that the advisory opinion of the International Court of Justice with respect to the Territory of South West Africa sets forth, *inter alia*, that:

(a) The Territory of 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 acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

(c) 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 as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by article 7 of the Mandate for South West Africa,

Having reconstituted the *Ad Hoc* Committee on South West Africa, consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, by General Assembly resolution 570 A (VI) of 19 January 1952 and, by General Assembly resolution 651 (VII) of 20 December 1952, having continued it on the same basis as before,

Having considered the reports of the aforesaid *Ad Hoc* Committee, i.e., document A/2261 submitted on 21 November 1952 and documents A/2457 and Add.1 and 2 submitted on 16 September, 8 October and 9 November 1953,

1. Commends the *Ad Hoc* Committee on South West Africa for its earnest and constructive efforts to find a mutually satisfactory basis of agreement;

2. Records with deep regret that the Government of the Union of South Africa continues in its refusal to assist in the implementation of the advisory opinion of the International Court of Justice concerning South West Africa, and continues to maintain that the Union of South Africa has no international commitments as the result of the demise of the League of Nations, and that the Government of the Union of South Africa is prepared only to enter into new arrangements for the Territory of South West Africa with the Principal Allied and Associated Powers of the First World War (France, the United Kingdom and the United States of America), and not with the United Nations;

3. Notes with concern that as required by paragraph 6 of General Assembly resolution 570 A (VI), the *Ad Hoc* Committee was unable to examine reports on the administration of the Territory of South West Africa because again no such reports were submitted by the Government of the Union of South Africa;

4. Notes with further regret that the Union of South Africa has refused to co-operate with the United Nations concerning the submission of petitions in accordance with the procedures of the Mandates System;

5. Notes the contents of the communications relating to South West Africa received by the *Ad Hoc* Committee in 1951, 1952 and 1953 from sources within and outside the Territory of South West Africa and contained in the aforesaid reports of the *Ad Hoc* Committee;

6. Affirms that, in order to implement the advisory opinion of the International Court of Justice with regard to South West Africa,

(a) The supervision of the administration of South West Africa, though it should not exceed that which applied under the Mandates System, should be exercised by the United Nations; judicial supervision by the International Court of Justice, which the Union Government is prepared to accept, is not in accordance with the advisory opinion expressed by that Court and accepted by the General Assembly;

(b) The Union Government should assume its obligations to the United Nations and not, as proposed by the Union Government, to the three Powers (France, the United Kingdom and the United States of America) as principals;

7. Appeals solemnly to the Government of the Union of South Africa to reconsider its position, and urges it to continue negotiations with the Committee on South West Africa in accordance with the aforesaid principles for the purpose of concluding an agreement providing for the full implementation of the advisory opinion of the International Court of Justice; and urges it further to resume submission of reports on the administration of the Territory of South West Africa and to transmit to the United Nations petitions from individuals or groups of the population of the Territory;

8. Recalls and reaffirms that the Territory of South West Africa is a Territory under the International Mandate assumed by the Union of South Africa on 17 December 1920;

9. Reaffirms further that 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 as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted;

10. Considers that without United Nations supervision the inhabitants of the Territory are deprived of the international supervision envisaged by the Covenant of the League of Nations;

11. Believes that it would not fulfil its obligations towards the inhabitants of South West Africa if it were not to assume the supervisory responsibilities with regard to the Territory of South West Africa which were formerly exercised by the League of Nations;

12. Establishes, until such time as an agreement is reached between the United Nations and the Union of South Africa, a Committee on South West Africa consisting of nine members and requests this Committee to:

(a) Examine, within the scope of the Questionnaire adopted by the Permanent Mandates Commission of the League of Nations in 1926, such information and documentation as may be available in respect of the Territory of South West Africa;

(b) Examine, as far as possible, in accordance with the procedure of the former Mandates System, reports and petitions which may be submitted to the Committee or to the Secretary-General;

(c) Transmit to the General Assembly a report concerning conditions in the Territory taking into account, as far as possible, the scope of the reports of the Permanent Mandates Commission of the League of Nations;

(d) Prepare, for the consideration of the General Assembly, a procedure for the examination of reports and petitions which should conform as far as possible to the procedure followed in this respect by the Assembly, the Council and the Permanent Mandates Commission of the League of Nations;

13. *Authorizes* the Committee to continue negotiations with the Union of South Africa in order to implement fully the advisory opinion of the International Court of Justice regarding the question of South West Africa;

14. *Requests* the Committee to submit reports on its activities to the General Assembly at its regular sessions.

Draft resolution B

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 and 570 B (VI) of 19 January 1952, 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 resolution 449 A (V) of 13 December 1950, the advisory opinion of 11 July 1950 of the International Court of Justice concerning South West Africa, *inter alia*, to the effect that:

(a) While "the provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System", they are applicable "to the Territory of South West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System",

(b) "... the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa," and "... the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations",

Considering that, in accordance with Chapter XII of the Charter, all mandated territories which have not achieved independence have been brought under the Trusteeship System with the sole exception of the Territory of South West Africa,

1. *Reiterates* 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 and 570 B (VI) of 19 January 1952, to the effect that the Territory of South West Africa be placed under the International Trusteeship System;

2. *Reasserts* that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 460th plenary meeting, on 28 November 1953, the General Assembly adopted draft resolution A submitted by the Fourth Committee (p. 52 of this fascicule) with an amendment submitted by India, and draft resolution B submitted by the Fourth Committee (p. 54 of this fascicule. For the final text, see resolutions 749 A (VIII) and 749 B (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/123	Statement by the Union of South Africa as to the future status of the mandated Territory and implementation to be given to the wishes expressed		<i>Official Records of the General Assembly, second part of first session, Fourth Committee, Annexes, Part I</i>
A/334	Communication from the Government of the Union of South Africa (General Assembly resolutions 9 (I) of 9 February 1946 and 65 (I) of 14 December 1946)		<i>Ibid., Second Session, Fourth Committee, Annex 3 (a)</i>
A/603	Report of the Trusteeship Council covering its second and third sessions, 29 April 1947-5 August 1948		<i>Ibid., Third Session, Supplement No. 4</i>
A/929	Letter from Mr. J. R. Jordaan, deputy permanent representative of the Union of South Africa to the United Nations, addressed to the Secretary-General		<i>Ibid., Fourth Session, Fourth Committee, Annexes</i>
A/1901 and Add.1 to 3	Report of the <i>Ad Hoc</i> Committee on South West Africa to the General Assembly		<i>Ibid., Sixth Session, Annexes, agenda item 38</i>
A/2261	Report of the <i>Ad Hoc</i> Committee on South West Africa to the General Assembly.	1	
A/2261/Add.1	Addendum to the report of the <i>Ad Hoc</i> Committee on South West Africa.	30	
A/2427	Report of the Trusteeship Council covering the period from 4 December 1952 to 21 July 1953		<i>Ibid., Eighth Session, Supplement No. 4</i>
A/2475	Report of the <i>Ad Hoc</i> Committee on South West Africa to the General Assembly.	31	
A/2475/Add.1	Addendum to the report of the <i>Ad Hoc</i> Committee on South West Africa.	48	
A/2475/Add.2	Second addendum to the report of the <i>Ad Hoc</i> Committee on South West Africa.	50	
A/2572	Report of the Fourth Committee.	51	
A/AC.49/SR.38	<i>Ad Hoc</i> Committee on South West Africa, Summary record of the thirty-eighth meeting (parts I, II, III)		Mimeographed document only
A/C.4/41	Statement by Field Marshal the Right Hon. J. C. Smuts, representative of the Union of South Africa		<i>Official Records of the General Assembly, Second part of first session, Fourth Committee, Annexes</i>
A/C.4/245	Financial implications of the draft resolution adopted by the Fourth Committee (A/C.4/L.305/Rev.1 and Add.1): estimate submitted by the Secretary-General.	50	
A/C.4/L.61	Union of Soviet Socialist Republics: amendment to the draft resolution proposed by India (A/C.4/L.53)		<i>Ibid., Fourth Session, Plenary meetings, Annexes, document A/1180, para. 32</i>
A/C.4/L.130	Union of Soviet Socialist Republics: amendment to the joint draft resolution submitted by Cuba, Ecuador, Guatemala, Mexico and Uruguay (A/C.4/L.128)		<i>Ibid., Fifth Session, Annexes, agenda item 35, document A/1643, para. 17</i>
A/C.4/L.279	Draft resolution adopted by the Fourth Committee at its 330th meeting on 9 October 1953		<i>Ibid., Eighth Session, Annexes, agenda item 32, document A/2556, draft resolution I</i>
A/C.4/L.304	Burma and India: draft resolution		Mimeographed document only
A/C.4/L.305/Rev.1 and Add.1	Afghanistan, Brazil, Burma, Denmark, Egypt, India, Indonesia, Iraq, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand and Uruguay: draft resolution		A/2572, draft resolution A
A/C.4/L.306 and Add.1	Afghanistan, Burma, Egypt, India, Indonesia, Iraq, Pakistan, Philippines, Saudi Arabia, Syria and Uruguay: draft resolution		A/2572, draft resolution B
A/C.4/L.307	Draft report of the Fourth Committee		Same text as A/2572
A/RESOLUTION/152	Resolutions adopted by the General Assembly at its 460th plenary meeting on 28 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, Resolution 749 (VIII)</i>

**GENERAL
ASSEMBLY***Official Records***ANNEXES****EIGHTH SESSION**

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JUN 22 1954

HEADQUARTERS, NEW YORK, 1953

Agenda item 37: Financial reports and accounts, and reports of the Board of Auditors:

- (a) United Nations, for the financial year ended 31 December 1952 ;
- (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1952 ;
- (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1953 ;
- (d) United Nations Korean Reconstruction Agency, for the financial year ended 30 June 1953

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(b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1952		
Plenary meetings (first phase) :		
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A/2493	Report of the Fifth Committee	3
Action taken by the General Assembly		3
(c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1953		
Plenary meetings (first phase) :		
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(a) United Nations, for the financial year ended 31 December 1952**DOCUMENT A/2492****Report of the Fifth Committee**

[Original text: English]
[1 October 1953]

1. The Fifth Committee, at its 378th meeting held on 24 September 1953, considered the financial report and accounts of the United Nations for the year ended 31 December 1952 and the report of the Board of Auditors (A/2392) together with the relevant comments of the Advisory Committee on Administrative and Budgetary Questions as included in paragraphs 241 to 251 of its first report to the General Assembly at its eighth session (A/2403).

2. The Fifth Committee agreed with a proposal made by the Chairman that consideration of the issues raised by the Advisory Committee in paragraphs 242 to 247 of its report relative to the award of costs by the Administrative Tribunal should be deferred until a later and more appropriate date.

Recommendation of the Fifth Committee

3. Subject to this understanding, and without further discussion, it was decided, by 47 votes to none, with

5 abstentions, to recommend to the General Assembly the adoption of the following draft resolution:

**UNITED NATIONS: FINANCIAL REPORT AND ACCOUNTS
FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1952,
AND REPORT OF THE BOARD OF AUDITORS**

The General Assembly

1. Accepts the financial report and accounts of the United Nations for the year ended 31 December 1952, and the certificate of the Board of Auditors;

2. Concurs in the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in paragraphs 248 to 250 of its first report to the eighth session of the General Assembly.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 451st plenary meeting, on 5 October 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 760 (VIII).

(b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1952**DOCUMENT A/2455****Second report of the Advisory Committee on Administrative and Budgetary Questions**

[Original text: English]
[31 August 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the report of the Board of Auditors on the accounts of the United Nations International Children's Emergency Fund for the year ended 31 December 1952 (A/2396).

2. The financial position of the Fund at year-end 1952 is shown in the following table:

	<i>Dollars (US)</i>
Principal of the Fund on 1 January 1952	27,199,237
Income from all sources during 1952	10,271,793
	<hr/> 37,471,030
Expenditure during 1952	13,526,630
	<hr/> 23,944,400
Principal of the Fund on 31 December 1952	23,944,400

The decrease in the level of the Fund during 1952 thus amounted to \$3,254,837.

3. It is a function of the Advisory Committee, under paragraph 2 of the operative part of General Assembly resolution 594 (VI) of 4 February 1952, to give special attention, when reviewing the annual accounts of UNICEF, to the administrative practices and expenses of this special operational programme. The relevant information submitted in the financial report (A/2396, paras. 14 to 16) shows that the administrative costs amounted in 1952 to \$1,827,457 on a net basis, representing 13.8 per cent of the total expenditure (\$13,289,472). While this percentage figure appears extremely high in comparison with the corresponding 1951 figure of 8.4 per cent or with the average of 6.7 per cent for the five-year period 1947/1948—1952, the Advisory Committee takes under consideration the special factors bearing upon the ratio of administrative to total costs of the Fund.

4. Annual expenditure on assistance has shown a progressive and sharp decrease since 1949 (1949:

\$44,382,000 ; 1950 : \$33,462,000 ; 1951 : \$20,471,000 ; 1952 : \$11,462,000), but a proportionate reduction in net administrative cost, which has fluctuated between \$2,303,000 in 1949 and \$1,827,000 in 1952, has not accompanied the decreased assistance. This apparent discrepancy is due in part to the change in policy directed by the General Assembly in resolution 417 (V) of 1 December 1950 : the transition from mass feeding to long-range health and

welfare programmes has resulted in a considerable increase in the number of countries aided by the Fund as well as in the number of individual procurement contracts to be negotiated. It is also partly due to the difficulty of securing a reduction in administrative cost exactly proportionate to the decrease in assistance.

5. The audit report discloses no other point on which the Advisory Committee desires to offer comment.

DOCUMENT A/2493

Report of the Fifth Committee

[Original text : English]
[1 October 1953]

1. The Fifth Committee, at its 378th meeting held on 24 September 1953, considered the financial report and accounts of the United Nations International Children's Emergency Fund (A/2396) together with the observations thereon of the Advisory Committee on Administrative and Budgetary Questions as given in its second report to the General Assembly at its eighth session (A/2455).

2. Attention was called by several delegations to the Advisory Committee's observation that a progressive and sharp decrease since 1949 in the Fund's annual expenditure on assistance had not been accompanied by a proportionate reduction in net administrative costs. It was recognized that this apparent discrepancy was due in part to the change in policy directed by the General Assembly in resolution 417 (V) of 1 December 1950 as a result of which there had been a transition from mass feeding to long-range health and welfare programmes with a corresponding increase in the number of countries aided as well as in the number of individual procurement contracts negotiated. It was, nevertheless, the view of some delegations that a larger reduction in administrative expenditure should be possible, and accordingly the hope was expressed that the Executive Board of UNICEF would keep this matter under continuous review with the object of ensuring that as large a share as possible of the funds at the disposal of UNICEF were used in the service of the children for whom the agency had been set up.

3. The Fifth Committee was informed that the percentage figure for administrative costs which had been used for the purposes of the 1952 financial report included certain expenditures which, under a new definition recently approved by the Executive Board of UNICEF, would, in future, be regarded as operational in nature. It was pointed out that as a result of the adoption of this

new definition, administrative costs would be shown as 8.6 per cent of total expenditure in 1953. The suggestion was therefore made by the representative of Australia and accepted by the Committee that this new definition should be reviewed by the Advisory Committee on Administrative and Budgetary Questions in the course of its examination of the 1953 accounts of UNICEF. He felt that if, as a result of such examination, the Fifth Committee could be reassured that the basis on which UNICEF expenditure would in future be charged to administrative and operational costs, respectively, was a reasonable and appropriate one, the understandable concern that had been expressed would be, to that extent, allayed.

Recommendation of the Fifth Committee

4. Subject to these observations and following appreciative references to the work which UNICEF was so efficiently performing, the Fifth Committee decided unanimously to recommend to the General Assembly the adoption of the following draft resolution :

UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND :
FINANCIAL REPORT AND ACCOUNTS FOR THE FINANCIAL YEAR
ENDED 31 DECEMBER 1952, AND REPORT OF THE BOARD OF
AUDITORS

The General Assembly

1. *Accepts* the financial report and accounts of the United Nations International Children's Emergency Fund for the financial year ended 31 December 1952, and the certificate of the Board of Auditors ;

2. *Takes note* of the observations of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 451st plenary meeting, on 5 October 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 761 (VIII).

(c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1953

DOCUMENT A/2541

Twelfth report of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[3 November 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the report of the Board of Auditors on the accounts of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the financial year ended 30 June 1953 (A/2497).

2. The statement of income and expenditure during the year under review shows the following position :

<i>Income</i>	<i>Dollars (US)</i>
Cash contributions	48,796,776
Contributions in kind	492,330
TOTAL CONTRIBUTIONS	49,289,106
Miscellaneous income	446,370
	<hr/>
	49,735,476
Less exchange adjustments	207,830
	<hr/>
TOTAL INCOME	49,527,646
<i>Expenditure</i>	<i>Dollars (US)</i>
Relief programme	23,400,729
Projects programme	3,378,205
	<hr/>
TOTAL EXPENDITURE	26,778,934
	<hr/>
EXCESS OF INCOME OVER EXPENDITURE	22,748,712

3. Attention is drawn to the fact that, with the addition of the balance of \$22,590,729 on hand at 30 June 1952, the amount of \$45,339,441 remained available for activities after 30 June 1953.

4. For the previous financial year 1951-1952, administrative and other indirect expenses were distributed by the Agency equally between the relief programme and the reintegration programme, each being debited with the amount of \$1,584,600, although direct charges to relief amounted in that year to \$23,277,037 as compared with a total of only \$1,507,602 in respect of reintegration. This was done because extensive planning work had already been undertaken for a large programme of rehabilitation which, it was confidently expected, would be set in motion during 1952-1953. This expectation was not fulfilled. The Agency therefore decided, when allocating the administrative and indirect expenses for 1952-1953 (now known as common services), to debit the relief programme, to which more effort had been devoted, with a larger propor-

tion (60 per cent) as compared with the proportion of 40 per cent charged to the rehabilitation or projects programme.

5. The position as regards administrative expenses incurred by the Agency during the year under review is shown in the following table :

	<i>Administrative expenses</i>			
	<i>Total expenses</i>	<i>Direct charges</i>		<i>Total</i>
	\$ (US)	to pro-gramme	Common services	\$ (US)
	\$ (US)	\$ (US)	\$ (US)	\$ (US)
Relief programme ...	23,400,729	234,705	1,964,484	2,199,189
Projects programme .	3,378,205	422,686	1,309,657	1,732,343

6. The Director of UNRWA states in his annual report¹ that the new accounting system, which was introduced in July 1952, will continue in force for the financial year 1953-1954. Under this system, expenditure is broken down into a number of categories in order to ensure, through a more accurate analysis and classification, that the cost of any function shall be identified as far as possible with the programme for which it is incurred. The Advisory Committee is also informed that further steps will be taken to develop this process of identification. Thus, the function of registration and investigation will in future be charged to the relief programme, which will also be debited with the larger part of expenses for supply and transport. The procurement function, on the other hand, being related to both programmes, remains under common services.

7. It is expected that, with the completion of this process, the cost of common services will be reduced to a minimum, and that the amount of such services to be allocated between the two programmes may approximate to the figure for general administration in the present accounts. It follows that the accounting charges to the relief programme will be correspondingly increased, and the Advisory Committee trusts that this increase will not prove detrimental to the programme.

8. The audit report discloses no other points on which the Advisory Committee desires to submit observations.

¹ See *Officials Records of the General Assembly, Eighth Session, Supplement No. 12*, para. 32.

DOCUMENT A/2568
Report of the Fifth Committee

[Original text : English]
[23 November 1953]

1. At its 404th meeting on 11 November 1953, the Fifth Committee considered the accounts of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the financial year ended 30 June 1953, which, together with the report of the Board of Auditors (A/2497), had been submitted to the General Assembly, in accordance with the provisions of resolution 302 (VI) adopted on 8 December 1949. The Committee also had before it the comments of the Advisory Committee on Administrative and Budgetary Questions as set forth in its twelfth report to the General Assembly at its eighth session (A/2541).

2. During the discussion of the reports, appreciative references were made to the work of the Agency and the accomplishments of the Acting Director and his staff. Particular satisfaction was expressed with the progress that had been made in developing the new accounting system, introduced in July 1952, under which expenditure was broken down into a number of categories in order to ensure, through a more accurate analysis and classification, that the cost of any function was identified as far as possible with the programme for which it was incurred. Attention was drawn, in this connexion, to the hope expressed by the Advisory Committee that the further development of this process of identification—for example, the proposal that in future the function of registration and investigation and the larger part of expenses for supply and transport should be charged to relief operations—would not prove detrimental to the latter programme. It was noted that, with the completion of this process, the cost of common services was expected to be reduced to a minimum and that the amount of such services to be allocated between the two programmes would approximate to the figure for general administration as shown in the 1952-1953 accounts, plus an amount for procurement operations. The Agency was urged, nevertheless, to continue to exert every effort to effect further reductions in administrative costs, although bearing in mind, first, the fact that the inauguration of certain relief projects might make it necessary to add a number of technicians and engineers to the internationally recruited staff; and secondly, the necessity of ensuring sound financial control of the Agency's funds.

3. While recognizing that commendable efforts had been made to reduce the number of internationally recruited staff—a decrease of 15 per cent having been reported for the year ended 30 June 1953—the representatives of Iraq and Syria felt that further progress in that direction was possible and was much to be desired. Some of the more responsible posts could, with advantage, be filled by Palestinian Arabs who would work

with conviction and understanding and would form a happy link between the Agency and the refugees. For the purpose of presenting a clear picture of the actual composition of the staff and functions of the Agency, the representative of Syria requested that a detailed list should be circulated of its internationally recruited staff, together with their grades and salaries. The information requested was subsequently made available in a note by the Secretary-General (A/C.5/L.243).

4. The representative of Iraq stated that his delegation could not regard the present state of the Agency as wholly satisfactory. The fact that the Acting Director was sincerely doing his best was fully appreciated, but much remained to be done in reorganizing the methods and staff of the Agency. His Government was specially concerned over the inadequate assistance the refugees were receiving in nutrition, housing, health services and education. If the tragic plight of the refugees in those respects were not soon remedied, their situation, an important factor in the prevailing world insecurity, would deteriorate still further. The representatives of Iraq and Syria wished to make it clear that their observations were not intended as criticism of what was being done, but simply as indicative of their deep concern at the inadequacy of that action.

5. Following replies by the Acting Director of the Agency to specific questions put to him, the Committee decided, by 41 votes to none, with 5 abstentions, to accept the statement of accounts and the certificate of the Board of Auditors and to take note of the observations thereon of the Advisory Committee.

Recommendation of the Fifth Committee

6. The Fifth Committee accordingly recommends to the General Assembly the adoption of the following draft resolution :

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE
REFUGEES IN THE NEAR EAST : ACCOUNTS FOR THE FINANCIAL
YEAR ENDED 30 JUNE 1953 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 30 June 1953, and the certificate of the Board of Auditors (A/2497) ;

2. *Takes note* of the observations of the Advisory Committee on Administrative and Budgetary Questions (A/2541).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 766 (VIII).

(d) United Nations Korean Reconstruction Agency, for the financial year ended 30 June 1953**DOCUMENT A/2542****Thirteenth report of the Advisory Committee on Administrative and Budgetary Questions**

[Original text : English]
[3 November 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the report of the Board of Auditors on the accounts of the United Nations Korean Reconstruction Agency for the year ended 30 June 1953 (A/2487).

2. The statement of resources available and obligations incurred during the year under review shows the following position :

	\$ (US)	\$ (US)	\$ (US)
Excess of income over obligations incurred as at 30 June 1952		14,586,357	
Savings on liquidation of prior year's obligations.		22,612	
Income		14,608,969	
Government contributions in cash	50,677,647		
Government contributions in kind	1,146,589	51,824,236	
Other income as per financial statement II (A/2487)		1,362,758	
TOTAL RESOURCES			53,186,994
Obligations incurred			67,795,963
Within the plan of expenditure		51,817,570	
Contributions in kind donated to the Unified Command		1,146,589	
NET RESOURCES AVAILABLE FOR FUTURE USE			52,964,159
			14,831,804

3. Attention is drawn to the fact that the resources available for activities after 30 June 1953 amounted to \$14,831,804.

4. The question of the administrative practices and expenses of the UNKRA programme comes within the purview of the Advisory Committee on Administrative and Budgetary Questions (General Assembly resolution 594 (VI) of 4 February 1952, para. 2). In its corresponding report of 1952,² the Advisory Committee took note of the special circumstances that had produced a disproportionately high ratio of administrative to other costs in the 1951-1952 accounts. This situation has now been improved : during 1952-1953, the total of obligations

incurred (\$51,817,570) included \$1,612,292 in administrative costs, or a ratio of 3.11 per cent. The Advisory Committee also notes with satisfaction the statement by the Agent General in his latest report³ that "with a view to the expansion of UNKRA's programme, ... [he] has had the present organization under review and has developed plans, now approaching finalization, to streamline the UNKRA personnel establishment, to combine activities and to eliminate or reduce intermediate offices and personnel wherever possible, in order to effect administrative savings and thus provide the maximum funds for reconstruction purposes".

5. Obligations incurred during the year to 30 June 1953 include an item of \$278,337 in respect of technical assistance projects. The Advisory Committee is informed that the principal commitments under this heading were :

	Dollars (US)
For an economic survey undertaken by a commercial firm	162,368
For an educational survey undertaken by the United Nations Educational, Scientific and Cultural Organization for the purpose of determining the extent of international assistance required to re-establish and develop the school and adult training systems	66,281
For a survey of health conditions conducted by the World Health Organization	29,015

6. In his financial report (A/2487, para. 18 (c)), the Agent General refers to a donation of \$100,000 received from UNESCO, which it has been decided to expend (together with a further \$60,000 allotted by the Agency) on the purchase of a printing plant for the production of text-books in Korea. The contribution was made by UNESCO in October 1950 and transmitted to UNKRA by the Secretary-General of the United Nations in January 1951. The Advisory Committee takes account of the exceptional circumstances that have resulted in a long delay between the date of the contribution and the actual undertaking of the project.

7. The Committee also made special inquiry concerning the motor transport equipment now being utilized by UNKRA. It has been assured that, while some passenger cars were shipped in the past to Korea for the use of the Agency, only utility vehicles are now procured for that purpose, and that in general a strict control is exercised over the use of motor vehicles.

8. The audit report discloses no other points on which the Advisory Committee desires to offer comment.

² See *Officials Records of the General Assembly, Seventh Session, Annexes*, agenda item 39, document A/2239.

³ *Ibid.*, Supplement No. 19 B, para. 51.

DOCUMENT A/2569

Report of the Fifth Committee

[Original text : English]
[23 November 1953]

1. At its 404th meeting held on 11 November 1953, the Fifth Committee considered the financial report and accounts of the United Nations Korean Reconstruction Agency for the year ended 30 June 1953, and the report of the Board of Auditors (A/2487), these reports having been submitted to the General Assembly pursuant to resolution 410 A (V) adopted on 1 December 1950. The Committee also had before it the comments of the Advisory Committee on Administrative and Budgetary Questions as set forth in its thirteenth report to the General Assembly at its eighth session (A/2542).

2. In the course of a brief discussion of the reports, satisfaction was expressed with the efforts that had been made to reduce the ratio of administrative costs to programme expenditure. It was noted in this connexion that, during 1952-1953, the total of obligations incurred (\$51,817,570) included \$1,612,292 in administrative costs, or a ratio of 3.11 per cent; and that, furthermore, the Agent General has developed plans, now approaching finality, to streamline the Agency's personnel establishment, to combine activities and to eliminate or reduce intermediate offices and personnel whenever possible, in order to effect further administrative savings and thus provide maximum funds for reconstruction purposes.

3. The representative of the Philippines stated that his delegation was gravely concerned lest, in the procurement of supplies and equipment for Korean reconstruction, the Agency's policy of giving priority to countries which had pledged contributions to its programme should be too arbitrarily applied. This would be unjust to those countries, such as the Philippines, which had promptly responded to the United Nations call for collective military action in Korea and had generously contributed to civilian relief, but were not in a position to contribute additionally to the reconstruction programme. He urged, therefore, that, in keeping with the principle of equitable sharing of sacrifices involved in collective measures, procurement policy should be kept sufficiently flexible to take account of the interests of such countries. The Committee was assured by the representative of the

Agent General that, while as a general rule—often because of currency restrictions and the form in which contributions were pledged—supplies had to be sought from the countries contributing to the reconstruction programme, such a policy would not be followed arbitrarily.

4. Attention was drawn to the statement of the Korean *hwan* financial position under paragraph 22 of the Agent General's financial report (A/2487) and the hope expressed that the negotiations referred to would be brought to a satisfactory conclusion at an early date.

5. In reply to a further question addressed to him, the representative of the Agent General gave an assurance that travel of Agency staff members was subject to as strict a control as that of members of the United Nations Secretariat. The Committee thereupon accepted, by 41 votes to none, with 5 abstentions, the financial report and accounts of the Agency and the certificate of the Board of Auditors, taking note at the same time of the observations thereon of the Advisory Committee.

Recommendation of the Fifth Committee

6. The Fifth Committee accordingly recommends to the General Assembly the adoption of the following draft resolution :

UNITED NATIONS KOREAN RECONSTRUCTION AGENCY : FINANCIAL REPORT AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 1953, AND REPORT OF THE BOARD OF AUDITORS

The General Assembly

1. *Accepts* the financial report and accounts of the United Nations Korean Reconstruction Agency for the financial year ended 30 June 1953 and the certificate of the Board of Auditors (A/2487) ;

2. *Takes note* of the observations of the Advisory Committee on Administrative and Budgetary Questions (A/2542).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 767 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
(a) United Nations, for the financial year ended 31 December 1952			
A/2392	Financial Report and Accounts for the year ended 31 December 1952 and Report of the Board of Auditors		<i>Official Records of the General Assembly, Eighth Session Supplement No. 6</i>
A/2403	Advisory Committee on Administrative and Budgetary Questions: first report to the eighth session of the General Assembly		<i>Ibid., Supplement No. 7</i>
A/2492	Report of the Fifth Committee	2	
A/C.5/L.237	Draft report of the Fifth Committee		Same text as A/2492
A/RESOLUTION/109	Resolution adopted by the General Assembly at its 451st plenary meeting on 5 October 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 760 (VIII)</i>
(b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1952			
A/2220	Second report of the Advisory Committee on Administrative and Budgetary Questions to the seventh session of the General Assembly		<i>Ibid., Seventh Session, Annexes, agenda item 39 (b)</i>
A/2396	Financial Report and Accounts for the year ended 31 December 1952 and Report of the Board of Auditors		<i>Ibid., Eighth Session, Supplement No. 6 A</i>
A/2455	Second report of the Advisory Committee on Administrative and Budgetary Questions	2	
A/2493	Report of the Fifth Committee	3	
A/C.5/L.238	Draft report of the Fifth Committee		With amendments adopted at the 380th meeting of the Fifth Committee, the text is the same as A/2493
A/RESOLUTION/110	Resolution adopted by the General Assembly at its 451st plenary meeting on 5 October 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No 17, resolution 761 (VIII)</i>
(c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1953			
A/2497	Accounts for the financial year ended 30 June 1953 and Report of the Board of Auditors		<i>Ibid., Supplement No. 6 B</i>
A/2541	Twelfth report of the Advisory Committee on Administrative and Budgetary Questions	4	
A/2568	Report of the Fifth Committee	5	
A/C.5/L.243	Note by the Secretary-General		Mimeographed document only
A/RESOLUTION/135	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 766 (VIII)</i>
(d) United Nations Korean Reconstruction Agency, for the financial year ended 30 June 1953			
A/2487	Financial Report and Accounts for the year ended 30 June 1953 and Report of the Board of Auditors		<i>Ibid., Supplement No. 6 C</i>
A/2542	Thirteenth report of the Advisory Committee on Administrative and Budgetary Questions	6	
A/2569	Report of the Fifth Committee	7	
A/RESOLUTION/136	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Ibid., Supplement No. 17, resolution 767 (VIII)</i>

GENERAL
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ANNEXES

EIGHTH SESSION

JUN 16 1954

HEADQUARTERS, NEW YORK, 1953

Agenda item 38: Supplementary estimates for the financial year 1953

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Fifth Committee		
A/C.5/L.263	Canada, Colombia and United Kingdom of Great Britain and Northern Ireland: draft resolution	13
A/C.5/L.264 (excerpt)	Draft report of the Fifth Committee on the budget estimates for the financial year 1954	13
A/C.5/L.267	France: amendments to the draft resolution submitted by Canada, Colombia and the United Kingdom (A/C.5/L.263)	14
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Report of the Secretary-General

[Original text: English]
[2 November 1953]

1. The General Assembly, at its seventh session, approved appropriations for the financial year 1953 in the amount of \$48,327,700 [resolution 674 (VII) of 21 December 1952]. In respect of activities covered by these appropriations, net savings of \$406,150 are now reported.

2. Unforeseen and extraordinary expenses during 1953 as at present known, including awards of the Administrative Tribunal, are estimated to total \$327,320, to which must be added the cost of reimbursement of national income taxes for which no provision was made in the 1953 budget. This item is estimated at \$1,800,000, making a total of \$2,127,320. After deducting the saving of \$406,150, the net additional requirement for 1953 amounts to \$1,721,170.

3. No provision is included in the above figures for expenses which might be incurred by the United Nations in connexion with the Korean political conference, as these cannot be estimated until the date, place and other factors concerning the conference are determined.

4. The following statement of supplementary estimates indicates a revised appropriation for 1953 of \$50,048,870; the revised appropriation for 1952 was \$50,547,660 [resolution 662 (VII) of 25 November 1952].

5. In presenting the supplementary estimates for 1953, the Secretary-General submits the following documentation:

Table I. A comparison of the appropriation for each section of the budget as voted with the adjusted amounts after transfers authorized in the appropriation resolution for 1953, including one transfer concurred in by the Advisory Committee on Administrative and Budgetary Questions.

Table II. A summary of the expenditures to 30 September 1953 and/or anticipated requirements through 31 December 1953 for which no provision was made in the appropriations.

Table III. The anticipated requirements by section for 1953, providing both for activities covered in the original

appropriations and activities for which no provision was made.

Annexes A and B. Explanations of additional requirements and surpluses by section, observing the distinction shown in table III.

Annex C. A draft appropriation resolution adjusted by section for total estimated requirements.

Annex D. Report on actions taken during 1953 under the resolutions on unforeseen and extraordinary expenses and the Working Capital Fund for the financial year 1953.

TABLE I

COMPARISON BETWEEN THE ORIGINAL AND THE ADJUSTED 1953 APPROPRIATIONS

Budget section	Title	Original 1953 appropriations resolution 674 (VII) para. 1	Transfers authorized			Adjusted 1953 appropriations
			Resolution 674 (VII) para. 3 (i) (c)	Resolution 674 (VII) para. 3 (ii)	Resolution 674 (VII) para. 3 (iii)	
Dollars (US)						
1.	The General Assembly, Commissions and Committees	603,400	—	—	—	603,400
2.	The Security Council, Commission and Committees	—	—	—	—	—
3.	The Economic and Social Council, Commissions and Committees	263,200	—	—	—	263,200
3a.	Permanent Central Opium Board and Narcotic Drug Supervisory Body	20,000	—	—	—	20,000
3b.	Regional Economic Commissions	96,000	—	—	—	96,000
4.	The Trusteeship Council, Commissions and Committees	59,900	—	—	—	59,900
5.	Investigations and Inquiries	2,140,700	—	—	—	2,140,700
5a.	United Nations Field Service	546,200	—	—	—	546,200
6.	Executive Office of the Secretary-General..	458,600	(25,000)	(58,500)	—	375,100
6a.	Library	475,000	(1,000)	(3,000)	—	471,000
7.	Department of Political and Security Council Affairs	769,200	(6,000)	(10,000)	—	753,200
8.	Military Staff Committee Secretariat	137,000	(100)	—	—	136,900
9.	Technical Assistance Administration	386,700	—	—	—	386,700
10.	Department of Economic Affairs	2,304,000	(23,500)	(11,400)	—	2,269,100
11.	Department of Social Affairs	1,749,500	(21,500)	(42,100)	—	1,685,900
12.	Department of Trusteeship and Information from Non-Self-Governing Territories	950,000	(4,000)	(10,000)	—	936,000
13.	Department of Public Information	2,755,000	(18,000)	—	(2,100)	2,734,900
14.	Legal Department	459,400	(5,000)	(3,000)	—	451,400
15.	Conference and General Services	9,721,600	(10,000)	(97,250)	—	9,614,350
16.	Administrative and Financial Services	1,604,900	(24,100)	(16,600)	—	1,564,200
17.	Common staff costs	4,521,000	—	(41,500)	—	4,479,500
18.	Common services	3,831,600	138,200	(115,000)	—	3,854,800
19.	Permanent equipment	247,550	—	—	4,500	252,050
20.	United Nations European Office (excluding direct costs, chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drug Supervisory Body)	4,423,300	—	(15,500)	—	4,407,800
	Chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drug Supervisory Body	47,100	—	—	—	47,100
20a.	Office of the United Nations High Commissioner for Refugees	650,000	—	—	—	650,000
21.	Information centres (other than information services, United Nations European Office) ..	862,300	—	—	—	862,300
22.	Economic Commission for Asia and the Far East	1,030,000	—	—	—	1,030,000
23.	Economic Commission for Latin America ..	866,000	—	—	—	866,000
24.	Hospitality	20,000	—	—	—	20,000
25.	Official Records (excluding chapter VI, Permanent Central Opium Board and Narcotic Drug Supervisory Body)	752,220	—	—	—	752,220
	Chapter VI, Permanent Central Opium Board and Narcotic Drug Supervisory Body ..	11,780	—	—	—	11,780
26.	Publications	815,200	—	—	(2,400)	812,800
27.	Social activities	768,500	—	—	—	768,500
28.	Economic development	479,400	—	—	—	479,400
29.	Public administration	145,000	—	—	—	145,000
30.	Transfer of the assets of the League of Nations to the United Nations	649,500	—	—	—	649,500
31.	Amortization of the Headquarters construction loan	1,500,000	—	—	—	1,500,000
31a.	Headquarters construction costs	1,000,000	—	—	—	1,000,000
32.	The International Court of Justice	630,800	—	—	—	630,800
33.	Global reduction to be achieved on various sections of the budget	(423,850)	—	423,850	—	—
GRAND TOTAL		\$48,327,700				\$48,327,700

TABLE II

AUTHORIZED EXPENDITURES AND 1953 REQUIREMENTS FOR WHICH NO PROVISION WAS MADE IN THE 1953 APPROPRIATIONS

Budget section	Object	Anticipated requirements	Total by section	Provisionally financed by
Dollars (US)				
1.	The General Assembly, Commissions and Committees			
	(i) Ad Hoc Commission on Prisoners of War	4,600	4,600	Working Capital Fund
3.	The Economic and Social Council, Commissions and Committees			
	(i) International Sugar Conference (Economic and Social Council resolutions 296 (XI) and 373 (XIII))	23,300		Working Capital Fund
	(ii) International Tin Conference	5,000	28,300	a
5.	Investigations and Inquiries			
	(i) United Nations Representative in India and Pakistan (resolution S/2883)	45,800		Working Capital Fund
	(ii) United Nations Commission to Study the Racial Situation in the Union of South Africa [General Assembly resolution 616 (VII)]	35,000	80,800	Working Capital Fund
17.	Common staff costs			
	(i) Reimbursement of national income tax	1,800,000		a
	(ii) Administrative Tribunal awards of indemnities to terminated staff members	179,420	1,979,420	a
20.	European Office of the United Nations			
	(i) Ad Hoc Commission on Prisoners of War	1,200		Working Capital Fund
	(ii) International Tin Conference	23,000	24,200	a
32.	International Court of Justice			
	(i) Designation of ad hoc judges in the case of Ambatielos	5,000		Working Capital Fund
	(ii) Designation of ad hoc judges in possible hearings on listed cases	5,000	10,000	a
TOTAL			2,127,320	

(a) No payments have as yet been made.

TABLE III

ANTICIPATED REQUIREMENTS FOR 1953

Budget section	Adjusted 1953 appropriations	Adjustments required in respect of activities for which provision was made in the appropriations		Requirements in respect of activities not covered by the appropriations (per table II)	Revised 1953 appropriations	
		Surpluses	Deficiencies			
Dollars (US)						
1.	The General Assembly, Commissions and Committees	603,400	—	115,400	4,600	723,400
2.	The Security Council, Commission and Committees	—	—	—	—	—
3.	The Economic and Social Council, Commissions and Committees	263,200	45,300	—	28,300	246,200
3a.	Permanent Central Opium Board and Narcotic Drug Supervisory Body	20,000	—	4,000	—	24,000
3b.	Regional Economic Commissions	96,000	—	—	—	96,000
4.	The Trusteeship Council, Commissions and Committees	59,900	—	—	—	59,900
5.	Investigations and Inquiries	2,140,700	105,800	—	80,800	2,115,700
5a.	United Nations Field Service	546,200	—	—	—	546,200
6.	Executive Office of the Secretary-General ..	375,100	—	15,900	—	391,000
6a.	Library	471,000	10,000	—	—	461,000
7.	Department of Political and Security Council Affairs	753,200	20,000	—	—	733,200
8.	Military Staff Committee Secretariat	136,900	15,000	—	—	121,900
9.	Technical Assistance Administration	386,700	—	—	—	386,700
10.	Department of Economic Affairs	2,269,100	140,000	—	—	2,129,100
11.	Department of Social Affairs	1,685,900	20,000	—	—	1,665,900
12.	Department of Trusteeship and Information from Non-Self-Governing Territories	936,000	36,000	—	—	900,000
13.	Department of Public Information	2,734,900	50,000	—	—	2,684,900
14.	Legal Department	451,400	6,000	—	—	445,400
15.	Conference and General Services	9,614,350	140,000	—	—	9,474,350
16.	Administrative and Financial Services	1,564,200	—	29,000	—	1,593,200
17.	Common staff costs	4,479,500	—	85,850	1,979,420	6,544,770
18.	Common services	3,854,800	76,200	—	—	3,778,600
19.	Permanent equipment	252,050	—	—	—	252,050

TABLE III

(cont'd)

Budget section	Adjusted 1953 appropriations	Adjustments required in respect of activities for which provision was made in the appropriations		Requirements in respect of activities not covered by the appropriations (per table II)	Revised 1953 appropriations
		Surpluses	Deficiencies		
Dollars (US)					
20. United Nations European Office (excluding direct costs, chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Supervisory Body)	4,407,800	—	45,000	24,200	4,477,000
Chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drug Supervisory Body	47,100	—	—	—	47,100
20a. Office of the United Nations High Commissioner for Refugees	650,000	—	—	—	650,000
21. Information centres (other than information services, United Nations European Office) ..	862,300	—	—	—	862,300
22. Economic Commission for Asia and the Far East	1,030,000	—	115,000	—	1,145,000
23. Economic Commission for Latin America ..	866,000	47,000	—	—	819,000
24. Hospitality	20,000	—	—	—	20,000
25. Official Records (excluding chapter VI, Permanent Central Opium Board and Narcotic Drug Supervisory Body)	752,220	25,000	—	—	727,220
Chapter VI, Permanent Central Opium Board and Narcotic Drug Supervisory Body) ..	11,780	—	—	—	11,780
26. Publications	812,800	50,000	—	—	762,800
27. Social activities	768,500	—	—	—	768,500
28. Economic development	479,400	—	—	—	479,400
29. Public administration	145,000	—	—	—	145,000
30. Transfer of the assets of the League of Nations to the United Nations	649,500	—	—	—	649,500
31. Amortization of the Headquarters construction loan	1,500,000	—	—	—	1,500,000
31a. Headquarters construction costs	1,000,000	—	—	—	1,000,000
32. The International Court of Justice	630,800	30,000	—	10,000	610,800
GRAND TOTAL	48,327,700	816,300	410,150	2,127,320	50,048,870

ANNEX A

ADDITIONAL REQUIREMENTS

SECTION 1. THE GENERAL ASSEMBLY, COMMISSIONS AND COMMITTEES: \$120,000

1. Expenditures for section 1 are estimated at \$723,400. The increase of \$120,000 over the appropriation of \$603,400 is due to the following causes:

(a) Additional expenditures were incurred as the result of the resumed meetings of the seventh session of the General Assembly which meetings were held at Headquarters in two series, from 24 February to 23 April 1953 and from 17 to 28 August 1953. The extra cost involved amounted to \$69,100, for the following purposes:

	Dollars (US)
Temporary assistance	63,120
Overtime and night differential	1,600
Travel and subsistence of staff	2,180
Local transportation	2,200
TOTAL	\$69,100

(b) The appropriation of \$430,000 for the eighth session of the General Assembly was based on a session of ten weeks' duration. However, it is now anticipated that the session will last approximately twelve weeks with estimated additional expenditures of \$30,500 in temporary assistance (\$20,000), travel and subsistence of staff (\$5,000) and overtime (\$5,500). Furthermore, earlier submission of claims by governments for reimbursement of expenses for travel of representatives will require an additional provision of \$43,800. Total additional cost is therefore \$74,300.

Savings in other items of the appropriation for the eighth session of the General Assembly total \$28,000. Therefore, the total requirements for expenditures relating to that session is estimated at \$476,300 against an appropriation of \$430,000, an increase of \$46,300.

(c) The *Ad Hoc* Commission on Prisoners of War, established under General Assembly resolution 427 (V) of 14 December 1950, held three meetings in 1951 and 1952. In accordance with the Commission's special report (A/AC.46/10), the Secretary-General made arrangements for a fourth session to convene in Geneva in August 1953.

Use of Working Capital Fund monies for this purpose was concurred in by the Advisory Committee on Administrative and Budgetary Questions under the terms of General Assembly resolution 675 (VII) of 21 December 1952. The expenses incurred totalled \$5,800, of which \$4,600 related to travel of Headquarters staff (\$1,850) and of members (\$2,750), and \$1,200 related to temporary assistance recruited at Geneva. It is now proposed to charge the travel and subsistence costs (\$4,600) to section 1, and the costs for temporary assistance (\$1,200) to section 20.

2. The supplementary provision required for section 1 as a whole is accordingly estimated at \$120,000.

SECTION 3 a. PERMANENT CENTRAL OPIUM BOARD AND NARCOTIC DRUG SUPERVISORY BODY: \$4,000

3. The additional provision, required for travel and subsistence of members, corresponds approximately to the reduction (which it has not been possible to absorb) applied to the original budget estimates for 1953.

SECTION 6. EXECUTIVE OFFICE OF THE SECRETARY-GENERAL: \$15,900

4. Expenditure for section 6 is estimated at \$391,000. This sum exceeds the appropriation by \$15,900 due to the following causes:

(a) Housing accommodation for the Secretary-General: \$7,900

Comprises approximately \$3,400 on account of unexpired rent on the house of the first Secretary-General when the

present Secretary-General took office, and \$4,500 renovating expenses of his new residence.

(b) Staff costs: \$8,000

Largely due to heavy workload in the Executive Office, mainly as a result of the resumption in two series of the meetings of the seventh session of the General Assembly.

SECTION 16. ADMINISTRATIVE AND FINANCIAL SERVICES: \$29,000

5. Expenditure for section 16 is estimated at \$1,593,200 or \$29,000 in excess of the appropriation. The increase is attributable to the following factors:

(a) Expenses relating to the Selection Committee for the review of staff members on temporary appointments will reach about \$15,500 against an appropriation of \$9,000. Thus additional provision of \$6,500 will be required.

(b) The cost of investment of the expanding funds of the Joint Staff Pension Fund and the temporary assistance necessitated by the increasing volume of work will approximate \$15,500 in excess of the appropriation.

(c) The exceptional workload occasioned by special reports required in connexion with the Administrative Tribunal, the Selection Committee and other additional personnel matters increased the cost of temporary assistance for the Bureau of Personnel by \$5,000 in excess of the appropriation.

(d) Bank charges and cable transfers of funds will necessitate, under miscellaneous supplies and services, expenditures estimated at \$2,500 as against an appropriation of \$500, as a result of the increasing use of currencies other than US dollars.

SECTION 17. COMMON STAFF COSTS: \$2,065,270

6. Owing to an actual rate of turnover higher than was originally envisaged in the budget, separation payments are anticipated to reach \$495,000 exceeding the appropriation of \$232,000 by \$263,000. This possibility had been indicated to the General Assembly at its seventh session (A/C.5/L.198). Likewise, repatriation grants are expected to exceed the appropriation of \$63,000 by \$32,000.

7. The above deficiencies totalling \$295,000 will be partially offset by savings in Joint Staff Pension Fund contributions (\$18,000), travel on home leave (\$138,000), medical and hospitalization insurance (\$31,400), children's allowances (\$11,700), and in several other items with an aggregate total of \$209,150. Thus, total expenditure under the various items covered by appropriation totalling \$4,479,500 would approximate \$4,560,350 disclosing net deficit of \$85,850.

8. However, additional obligations amounting to \$1,979,420 for which no provision had been made in this section of the budget will increase the deficit to \$2,065,270 for which supplementary provision will be required.

The additional obligations are comprised of the following items:

(i) *Reimbursement to staff of national income tax: \$1,800,000*

In line with procedure followed in previous years, supplementary provision is required to meet estimated obligations of \$1,800,000 for tax reimbursement of United States Federal income tax (\$1,640,000) and New York State income tax (\$160,000) on total salaries and allowances for taxable staff members in 1953, estimated at \$9,600,000.

(ii) *Tribunal awards of indemnities to terminated staff members: \$179,420*

The Secretary-General proposes that the General Assembly should now appropriate the funds necessary to cover the indemnities determined by the Administrative Tribunal. As Chief Executive Officer of the Organization he is obviously himself bound by the decisions of the Tribunal and it is not for him to discuss the findings of the Tribunal either as concerns the facts or as concerns the interpretations given to the relevant rules. His own view on the rules at present applying in cases of the type under consideration are set out in his report on personnel policy (A/2533). To what is said in that report he has only to add here the following observations.

The Administrative Tribunal is not set up by the Charter but by a special decision by the General Assembly. Thus, it does not have the position of an organ with constitutional origin and independence. However, the creation of the

Tribunal, with the safeguards from the legal point of view that it offers to the staff in questions of implementation of the staff regulations, introduced an important element in the contractual relations between the Organization and its employees. For that reason, the decisions of the Tribunal in the cases which have been submitted to it have as their basis not only the unilateral decision of the General Assembly by which the Tribunal was set up but the present contractual relationship between the Organization and its employees as established by that decision.

From the point of view of pure form it is the Secretary-General who is a party before the Administrative Tribunal in cases where an employee appeals to the Tribunal against one of his decisions, but as the Secretary-General has no funds at his disposal for this purpose the indemnities which he may have to pay must be covered out of funds to be appropriated by the General Assembly; from the point of view of substantive interest, the General Assembly for this reason must be considered a party to the decisions of the Administrative Tribunal.

Finally, it should be kept in mind that the administrative authority of the Secretary-General as concerns the employment of the staff, according to the letter and spirit of the provisions of the Charter, is limited by regulations established by the General Assembly and that, although it is entrusted with establishing the standards of employment on the basis of the Charter provisions, the compatibility of those standards with the letter of the staff regulations falls inside the competence of the Administrative Tribunal.

Of the twenty-one termination cases which were before the Administrative Tribunal in 1953, judgments in twelve cases involved unforeseen obligations. In seven cases, the Administrative Tribunal awarded (a) full salary up to the date of judgment, i.e., 21 August 1953 (\$53,798) less the amount paid at termination in lieu of notice (\$16,640) and less also the amount of termination indemnity (\$32,460); (b) compensation in lieu of reinstatement in varying amounts totalling \$122,500; and (c) legal costs totalling \$2,100. In one case, an additional obligation estimated at \$1,600 represents an award for pension entitlement.

In the four cases in which the Secretary-General exercised his option to refuse reinstatement ordered by the Administrative Tribunal, the awards were (a) full salary up to the date of judgment, i.e., 13 October 1953 (\$30,228) less the amount paid at termination in lieu of notice (\$6,574) and less also the amount of termination indemnity (\$14,911); (b) compensation in lieu of reinstatement amounting to \$48,230; and (c) legal costs totalling \$1,200. In one case only, legal costs were awarded (\$300).

Thus, after deducting amounts already paid in lieu of notice and termination indemnities (\$70,585), a sum of \$189,370 will be required as supplementary appropriation to cover the unforeseen obligations arising from Administrative Tribunal judgments. Of these unforeseen obligations, \$9,950 will be chargeable to the United Nations Children's Fund (UNICEF) in respect of one of its terminated staff members and the balance of \$179,420 will be chargeable to this section. The revised appropriation for section 17 will therefore be \$6,544,770.

SECTION 20. EUROPEAN OFFICE OF THE UNITED NATIONS: \$69,200

9. Expenditure for this section is estimated at \$4,524,100, or \$69,200 in excess of the appropriation, and results from the following principal factors:

	Dollars (US)
(a) Abolition of the minus 5 per cent differential on salaries	55,000
(b) Recruitment of Spanish-language staff for the session of the Economic and Social Council. It was originally assumed that most of the staff required would have to be recruited from Headquarters. In fact, it proved possible to recruit most of the staff locally, and while this represented an over-all saving, it also increased the expenditure in this account in section 20	13,000
(c) Additional expenditure in common staff costs due to initial recruitment	20,000
	88,000

10. The total of the above deficiencies, viz. \$88,000, is partly offset by the following savings:

	Dollars (US)
(a) Reduction in cleaning standards	20,000
(b) Reduction in overtime	3,000
(c) Reduction in programme of purchasing of capital equipment	20,000
	\$43,000

11. The net deficiency on foreseen activities is thus \$45,000 (—\$43,000) to which must be added the unforeseen extensions of the Conference programme, temporary assistance for which amounts to:

	Dollars (US)
(a) For the International Tin Conference	23,000
(b) For the <i>Ad Hoc</i> Commission on Prisoners of War	1,200
	24,200

Resulting in a total deficiency for this section of \$69,200 (\$45,000 + \$24,200).

SECTION 22. ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST: \$115,000

12. Expenditure for section 22 is estimated at \$1,145,000 or \$115,000 in excess of the appropriation. The increase is attributable to the following factors:

(a) The 1953 budget estimates were based on the rate of baht 21 to the US dollar, whereas the market rate at the beginning of the year was about 16.7 to 1, rising slowly to 19 to 1. This resulted in an additional dollar requirement of \$84,500.

(b) Expenses in several items of "Common staff costs" have been considerably higher than originally estimated (\$30,500).

ANNEX B

SURPLUSES SURRENDERED

SECTION 3. ECONOMIC AND SOCIAL COUNCIL, COMMISSIONS AND COMMITTEES: \$17,000

1. All items for which budgetary provision was made on the appropriation have been met, leaving a surplus of \$45,300. Funds are required, however, to cover the following items

of expenditure which arose during the year and for which no provision had been included in estimates approved by the General Assembly:

(a) *International Sugar Conference*: \$23,300

The Conference was convened in August 1953 at London, in accordance with the provisions of Economic and Social Council resolution 296 (XI). The United Nations share of the costs of the Conference covered temporary assistance (\$16,600); travel and subsistence of Headquarters substantive staff (\$6,500); and miscellaneous supplies and services (\$200). These expenses have been met from funds advanced from the Working Capital Fund under the terms of General Assembly resolution 675 (VII).

(b) *International Tin Conference*: \$5,000

The Conference, which first met in 1950, is being reconvened at Geneva on 16 November 1953. The concurrence of the Advisory Committee on Administrative and Budgetary Questions was secured for the expenses of this Conference under the resolution on unforeseen and extraordinary expenses. The amounts which will be needed under this section are \$5,000 for travel and subsistence of Headquarters substantive staff, whilst \$23,000 for temporary assistance is covered in section 20.

2. Additional expenses arising under section 3 as a result of the items noted above amount to a total of \$28,300. Taking into account the saving of \$45,300 referred to above, the net saving for the section is \$17,000.

SECTION 5. INVESTIGATIONS AND INQUIRIES: \$25,000

3. Expenditures during 1953 for investigations and inquiries fell under two headings: activities for which the General Assembly appropriated funds [resolution 674 (VII)] on the basis of detailed estimates for known purposes; activities for which no detailed estimates were before the General Assembly since their scope and extent only became known during the course of 1953 and were in consequence financed from the Working Capital Fund under resolution 675 (VII) relating to unforeseen and extraordinary expenses.

4. Funds appropriated for section 5 amounted to \$2,140,700, on which net savings amount to \$105,800 as per the following details.

	Appropriation	Requirements	Surpluses	Additional Requirements
	Dollars (US)			
United Nations Military Observers in Greece	110,000	92,000	18,000	—
United Nations Military Observer Group in India and Pakistan	680,000	671,000	9,000	—
Repatriation of Greek children	15,000	7,000	8,000	—
United Nations Truce Supervision Organisation in Palestine..	450,000	512,500	—	62,500
United Nations Commission for the Unification and Rehabilitation of Korea	250,000	205,000	45,000	—
United Nations Tribunal in Libya	120,000	118,800	1,200	—
United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration	145,000	152,900	—	7,900
United Nations Conciliation Commission for Palestine	45,000	43,000	2,000	—
Korean service medals	300,000	207,000	93,000	—
United Nations Tribunal in Eritrea	25,700	25,700	—	—
TOTAL	\$2,140,700	\$2,034,900	\$176,200	\$70,400
NET SAVING				\$105,800

5. The above table reveals that principal savings are anticipated under the following chapters:

(a) United Nations Military Observers in Greece: \$18,000 (mainly resulting from devaluation of the drachma in April 1953);

(b) United Nations Military Observer Group in India and Pakistan: \$9,000;

(c) Repatriation of Greek children: \$8,000;

(d) United Nations Commission for the Unification and Rehabilitation of Korea: \$45,000 (chiefly ascribable to reduction of staff with consequent savings in salaries and subsistence allowances);

(e) Korean service medals: \$93,000 (resulting from delays in delivery schedules. Funds will have to be provided, however, in the 1954 budget for the medals ordered in 1953 to be delivered in 1954).

6. Additional costs will arise in connexion with the following:

(a) United Nations Truce Supervision Organisation in Palestine: \$62,500 (due to an increase in the number of staff in the political field, in the number of military observers as well as in the number and maintenance cost of motor vehicles);

(b) United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration: \$7,900 (it being necessary in two cases to recruit staff members internationally rather than to detail them from Headquarters. Salary costs chargeable to the Mission were consequently increased).

7. The reasons for additional requirements which have arisen in the course of the year, and which have been provisionally financed from the Working Capital Fund, are as follows:

(a) On 23 December 1952 the Security Council (resolution S/2883) requested the United Nations' representative for India and Pakistan to continue to make his services available to the Governments of India and Pakistan in an attempt to reach agreement on a plan of demilitarization of the states of Jammu and Kashmir. The total cost of these activities in 1953, including journeys to Geneva for a conference of ministers in February 1953, is estimated at \$45,800.

(b) General Assembly resolution 616 (VII) of 5 December 1952 established a Commission to study the racial situation in the Union of South Africa. General Assembly resolution 675 (VII) authorized the Secretary-General to enter into commitments not exceeding a total of \$50,000 to finance the activities of the Commission. The total cost of these activities, including the meeting of the Commission in Geneva from July through September 1953 and the hearing of witnesses in Geneva in August 1953, is estimated at \$35,000.

The total amount for these two items is \$80,800.

8. However, since a total of \$105,800 is available as surplus from foreseen activities in section 5, \$25,000 can be surrendered from this section.

9. The following surpluses derive from savings in direct staff costs mainly attributable to vacancies at Headquarters:

	Dollars (US)
Section 6a. Library	10,000
Section 7. Department of Political and Security Council Affairs	20,000
Section 8. Military Staff Committee Secretariat ..	15,000
Section 10. Department of Economic Affairs	140,000
Section 11. Department of Social Affairs	20,000
Section 12. Department of Trusteeship and Information from Non-Self-Governing Territories	36,000
Section 13. Department of Public Information	50,000
Section 14. Legal Department	6,000
Section 15. Department of Conference and General Services	140,000
TOTAL	\$437,000

SECTION 18. COMMON SERVICES: \$76,200

10. The appropriation for section 18 amounted to \$3,854,800, whilst total expenditure is estimated at \$3,778,600. Deficiencies totalling \$138,100 are expected under telephone services (\$17,000), postal services (\$37,000), air freight (\$8,000), utilities (\$45,000), telecommunication supplies (\$5,000), maintenance of office and other equipment (\$10,000), miscellaneous supplies

and services (\$8,000) and *ex gratia* payments, claims and adjustments (\$8,100).

11. However, savings under internal reproduction supplies (\$92,000), supplies for maintenance of premises (\$41,100), contractual services for maintenance of premises (\$31,000), operation and maintenance of telecommunications equipment (\$20,000), travel on official business (\$13,200), cables (\$9,000), freight, cartage and express (\$5,000) and stationery and office supplies (\$3,000), aggregate \$214,300.

12. This total of anticipated savings offsets the deficiencies and effects a net saving in this section of \$76,200.

SECTION 23. ECONOMIC COMMISSION FOR LATIN AMERICA: \$47,000

13. The estimated surplus is mainly due to delayed recruitment for established posts and also to savings in local currency expenditures as a result of the favourable exchange rate prevailing for the US dollar.

SECTION 25. OFFICIAL RECORDS: \$25,000

14. The estimated surplus of \$25,000 to be surrendered from the printing appropriations under section 25 is accountable to the reduced requirements for printing of the Official Records of the Security Council, as fewer meetings of the Council have been held so far this year than were provided for in the 1953 budget estimates.

SECTION 26. PUBLICATIONS: \$50,000

15. An anticipated surplus of \$50,000 is to be surrendered from the printing appropriations under section 26, as progress of work on a number of studies has been retarded to some extent.

SECTION 32. THE INTERNATIONAL COURT OF JUSTICE: \$20,000

16. Expenses on activities covered by the appropriation of \$630,800 are estimated at \$600,800, leaving a saving of \$30,000. Additional requirements for unforeseen activities are as follows:

(a) *Ad Hoc* judges in the Ambatielos case, financed from the Working Capital Fund: \$5,000.

(b) Anticipated charges for *ad hoc* judges for possible hearings on listed cases: \$5,000.

17. The net surplus in the section is therefore estimated at \$20,000.

ANNEX C

DRAFT RESOLUTION: SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1953

The General Assembly

Resolves that the amount of \$48,327,700 appropriated for the financial year 1953 by resolution 674 (VII), adopted on 21 December 1952, is increased by \$1,721,170 as follows:

Section	Amount appropriated under resolution 674 (VII) as adjusted	Supplementary appropriation, increase or decrease	Revised amounts of appropriation
<i>Dollars (US)</i>			
A. UNITED NATIONS			
<i>Part I. Sessions of the General Assembly, the Councils, Commissions and Committees</i>			
1. The General Assembly, Commissions and Committees	603,400	120,000	723,400
2. The Security Council, Commission and Committees	—	—	—
3. The Economic and Social Council, Commissions and Committees ..	263,200	(17,000)	246,200
3a. Permanent Central Opium Board and Narcotic Drug Supervisory Body	20,000	4,000	24,000
3b. Regional Economic Commissions	96,000	—	96,000
4. The Trusteeship Council, Commissions and Committees	59,900	—	59,900
TOTAL, PART I	1,042,500	107,000	1,149,500
<i>Part II. Investigations and inquiries</i>			
5. Investigations and inquiries	2,140,700	(25,000)	2,115,700
5a. United Nations Field Service	546,200	—	546,200
TOTAL, PART II	2,686,900	(25,000)	2,661,900

Section	Amount appro- priated under resolution 674 (VII) as adjusted	Supplementary appropriation, increase or decrease	Revised amounts of appropriation
		Dollars (US)	
<i>Part III. Headquarters, New York</i>			
6. Executive Office of the Secretary-General	375,100	15,900	391,000
6a. Library	471,000	(10,000)	461,000
7. Department of Political and Security Council Affairs	753,200	(20,000)	733,200
8. Military Staff Committee Secretariat	136,900	(15,000)	121,900
9. Technical Assistance Administration	386,700	—	386,700
10. Department of Economic Affairs	2,269,100	(140,000)	2,129,100
11. Department of Social Affairs	1,685,900	(20,000)	1,665,900
12. Department for Trusteeship and Information from Non-Self-Govern- ing Territories	936,000	(36,000)	900,000
13. Department of Public Information	2,734,900	(50,000)	2,684,900
14. Legal Department	451,400	(6,000)	445,400
15. Conference and General Services	9,614,350	(140,000)	9,474,350
16. Administrative and Financial Services	1,564,200	29,000	1,593,200
17. Common staff costs	4,479,500	2,065,270	6,544,770
18. Common services	3,854,800	(76,200)	3,778,600
19. Permanent equipment	252,050	—	252,050
TOTAL, PART III	<u>29,965,100</u>	<u>1,596,970</u>	<u>31,562,070</u>
<i>Part IV. United Nations European Office</i>			
20. United Nations European Office (excluding direct costs — chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drug Supervisory Body)	4,407,800	69,200	4,477,000
Chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drug Supervisory Body	47,100	—	47,100
20a. Office of the United Nations High Commissioner for Refugees	650,000	—	650,000
TOTAL, PART IV	<u>5,104,900</u>	<u>69,200</u>	<u>5,174,100</u>
<i>Part V. Information centres</i>			
21. Information centres (other than information services, United Nations European Office)	862,300	—	862,300
TOTAL, PART V	<u>862,300</u>	<u>—</u>	<u>862,300</u>
<i>Part VI. Regional Economic Commissions (other than the Economic Commission for Europe)</i>			
22. Economic Commission for Asia and the Far East	1,030,000	115,000	1,145,000
23. Economic Commission for Latin America	866,000	(47,000)	819,000
TOTAL, PART VI	<u>1,896,000</u>	<u>68,000</u>	<u>1,964,000</u>
<i>Part VII. Hospitality</i>			
24. Hospitality	20,000	—	20,000
TOTAL, PART VII	<u>20,000</u>	<u>—</u>	<u>20,000</u>
<i>Part VIII. Contractual Printing</i>			
25. Official Records (excluding chapter VI. Permanent Central Opium Board and Narcotic Drug Supervisory Body)	752,220	(25,000)	727,220
Chapter VI, Permanent Central Opium Board and Narcotic Drug Supervisory Body	11,780	—	11,780
26. Publications	812,800	(50,000)	762,800
TOTAL, PART VIII	<u>1,576,800</u>	<u>(75,000)</u>	<u>1,501,800</u>
<i>Part IX. Technical programmes</i>			
27. Social activities	768,500	—	768,500
28. Economic development	479,400	—	479,400
29. Public administration	145,000	—	145,000
TOTAL, PART IX	<u>1,392,900</u>	<u>—</u>	<u>1,392,900</u>
<i>Part X. Special expenses</i>			
30. Transfer of the assets of the League of Nations to the United Nations	649,500	—	649,500
31. Amortization of the Headquarters construction loan	1,500,000	—	1,500,000
31a. Headquarters construction costs	1,000,000	—	1,000,000
TOTAL, PART X	<u>3,149,500</u>	<u>—</u>	<u>3,149,500</u>
B. THE INTERNATIONAL COURT OF JUSTICE			
<i>Part XI. The International Court of Justice</i>			
32. The International Court of Justice	630,800	(20,000)	610,000
TOTAL, PART XI	<u>630,800</u>	<u>(20,000)</u>	<u>610,800</u>
GRAND TOTAL	<u>\$48,327,700</u>	<u>\$1,721,170</u>	<u>\$50,048,870</u>

ANNEX D

ADVANCES FROM THE WORKING CAPITAL FUND FOR UNFORESEEN AND EXTRAORDINARY EXPENSES FOR 1953 AND OTHER PURPOSES

1. Under the terms of General Assembly resolution 675 (VII) (Unforeseen and extraordinary expenses for the financial year 1953) and resolution 676 (VII) (Working Capital Fund for the financial year 1953), the Secretary-General was authorized to enter into commitments to meet unforeseen and extraordinary expenses and to make advances from the Working Capital Fund for this and other purposes specified in the latter resolution.

2. The advances made available from the Working Capital Fund in accordance with these resolutions and the extent to which use thereof was made are described below, in four parts as follows:

- Part I. Unforeseen and extraordinary expenses.
- Part II. Financing of budgetary appropriations pending receipt of contributions.
- Part III. Revolving funds and recoverable advances.
- Part IV. Loans to specialized agencies.

Part I. Unforeseen and extraordinary expenses

3. Resolution 675 (VII) states that for the financial year 1953,

"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 \$2,000,000 if the Secretary-General certifies that they relate to the maintenance of peace and security or to urgent economic rehabilitation;

"(b) Such commitments not exceeding a total of \$25,000 as are occasioned by the holding of an inter-governmental commodity conference;

"(c) Such commitments not exceeding a total of \$50,000 as are required for the United Nations Good Offices Commission on the treatment of people of Indian origin in the Union of South Africa;

"(d) Such commitments not exceeding a total of \$50,000 as are required for the Commission on the question of race conflict in South Africa; resulting from the policies of apartheid of the Government of South Africa;

"(e) Such commitments not exceeding a total of \$129,000 as are required for the purchase of Korean service medals and ribbons;

"(f) Such commitments, duly certified by the President of the International Court of Justice, relating to expenses occasioned:

"(i) By the designation of *ad hoc* judges (Statute, Article 31),

"(ii) By the appointment of assessors (Statute, Article 30), or by the calling of witnesses and the appointment of experts (Statute, Article 50),

"(iii) By the holding of sessions of the Court away from The Hague (Statute, Article 22), and not exceeding \$24,000, \$25,000 and \$75,000 respectively, under each of the above three headings;

"The Secretary-General shall report to the Advisory Committee and to the General Assembly at its next regular 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."

4. Details of commitments entered into by the Secretary-General under the various sub-paragraphs of resolution 675 (VII) are given below. Supplementary estimates and further explanations regarding these items are included in an earlier part of the present document.

(i) *Commitments relating to the maintenance of peace and security or to urgent economic rehabilitation: sub-paragraph (a).*

To implement resolution S/2883 adopted by the Security Council on 23 December 1952, the Secretary-General authorized advances of \$46,000 from the Working Capital Fund to finance the necessary staff and facilities for the United Nations Representative in India and Pakistan.

(ii) *Commitments concerning the holding of an inter-governmental commodity conference: sub-paragraph (b)*

Pursuant to resolutions 296 (VI) and 373 (XIII) of the Economic and Social Council, the Secretary-General authorized an advance of \$25,000 from the Working Capital Fund to meet expenses resulting from the holding of an International Sugar Conference.

(iii) *Commitments concerning the United Nations Commission to study the racial situation in the Union of South Africa: sub-paragraph (d).*

To enable implementation of General Assembly resolution 616 (VII), the Secretary-General authorized advances of \$35,000 from the Working Capital Fund to provide the necessary staff and facilities for this Commission.

(iv) *Commitments concerning the International Court of Justice: sub-paragraph (f).*

To meet expenses resulting from the designation of *ad hoc* judges in the Ambatielos case and in accordance with sub-paragraph (f) (i), the Secretary-General has authorized advances of \$5,000 from the Working Capital Fund.

(v) *Other commitments.*

With the concurrence of the Advisory Committee on Administrative and Budgetary Questions, the Secretary-General authorized an advance of \$5,790 from the Working Capital Fund to meet the expenses of the fourth session of the *Ad Hoc* Commission on Prisoners of War.

5. The following is a summary, as at 30 September 1953, of advances authorized per detailed explanation in paragraph 4 above, and the amounts actually advanced thereagainst from the Working Capital Fund, in accordance with General Assembly resolution 676 (VII), paragraph 4 (b):

Purpose	Advances authorized by the Secretary-General as at 30 September 1953	
	Advances authorized by the Secretary-General as at 30 September 1953	Advances outstanding as at 30 September 1953
	Dollars (US)	
(i) United Nations Representative in India and Pakistan	46,000	30,885
(ii) International Sugar Conference.	25,000	2,508
(iii) United Nations Commission to study the racial situation in the Union of South Africa	35,000	33,994
(iv) International Court of Justice ..	5,000	4,355
(v) <i>Ad Hoc</i> Commission on Prisoners of War	5,790	1,020
TOTAL	116,790	72,762

Part II. Financing of budgetary appropriations pending receipt of contributions

6. Advances for this purpose were made from the Working Capital Fund in accordance with General Assembly resolution 676 (VII), paragraph 4 (a), and show the following outstanding balances for the dates listed below:

		Dollars (US)
1 January	1953	10,639,225
31 January	1953	12,742,595
28 February	1953	14,203,206
31 March	1953	16,786,150
30 April	1953	16,652,479
31 May	1953	17,379,405
30 June	1953	17,113,710
31 July	1953	1,446,944
31 August	1953	2,510,051
30 September	1953	2,268,003

Part III. Revolving funds and recoverable advances

7. Advances from the Working Capital Fund authorized by the Secretary-General, for various operations falling under this group, comply with the provisions of General Assembly resolution 676 (VII), paragraph 4, and in particular sub-paragraphs (c), (e), (f) and (g) which read as follows:

"(c) Such sums as, together with net sums outstanding for the same purposes, do not exceed \$250,000 to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities. Advances in excess of the total of \$250,000 may be made with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General shall submit, with the annual accounts, an explanation of the outstanding balance of the revolving fund at the end of each year;

"(e) Such sums as, together with the sums previously advanced and outstanding for the same purpose, do not exceed \$420,000 to continue the Staff Housing Fund in order to finance rental payments, guarantee deposits and working capital requirements for housing the staff of the Secretariat. Such advances shall be reimbursed to the Working Capital Fund following the recovery of rental advances, guarantee deposits and working capital advances;

"(f) Such sums not exceeding \$90,000 as may be required to finance payments of advance insurance premiums and deposits where the period of insurance extends beyond the end of the financial year in which payment is made. This amount may be increased with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General shall make provision in the budget estimates of each year during the life of the related policies to cover the charges applicable to each such year;

"(g) Such sums not exceeding \$1,000,000 as may be necessary to complete the Headquarters of the United Nations."

8. Details of advances authorized from the Working Capital Fund by the Secretary-General under the provisions listed in paragraph 7 above as at 30 September 1953, and of the actual balances outstanding thereagainst as of the same date, show the following summary:

Purpose	Advances authorized by the Secretary-General as at 30 September 1953		Advances outstanding as at 30 September 1953	
	Dollars (US)			
(i) Financing on a reimbursable basis of travel expenses of "extra" representatives to the General Assembly, the Councils and Commissions	40,000		15,320	
(ii) Financing on a reimbursable basis of travel costs of staff loaned to governments and other agencies or approved bodies ...	10,000		311	
(iii) Financing on a reimbursable basis of purchase and installation of furniture and equipment in the cafeteria and lounges at the permanent Headquarters	273,384		269,081	
(iv) Financing of revolving funds to operate miscellaneous self-liquidating purchases and activities.	28,000		250	
(v) Financing of guarantee deposit for staff housing	50,000		50,000	
(vi) Financing of advance payments of insurance premiums for insurance coverage extending beyond the current year on the permanent Headquarters building.	70,000		—	
TOTAL	471,384		334,962	

* After crediting all September receipts to this account, of which approximately \$16,000 will have to be transferred to income.

† Payment of premium was effected in October.

9. The explanation of the activities and operations listed in paragraph 8 above and of the actually outstanding balances is as follows:

(i) *Financing on a reimbursable basis of travel expenses of "extra" representatives to the General Assembly, the Councils and Commissions*: sub-paragraph (c).

At the request of Governments concerned, the United Nations makes travel arrangements for "extra" representatives of Members to the General Assembly, the Councils and Commissions, and as a rule, to all United Nations organs, for which meetings transportation fares are borne by govern-

ments. In such cases Members reimburse the United Nations and the outstanding balance represents amounts due in this respect.

(ii) *Financing on a reimbursable basis of travel of staff loaned to governments and other agencies or approved bodies*: sub-paragraph (c).

The nature of this activity as indicated results in amounts being due to the United Nations from time to time.

(iii) *Financing on a reimbursable basis of purchase and installation of furniture and equipment in the cafeteria and lounges at the permanent Headquarters*: sub-paragraph (c).

Since payments for account of these purposes permit revenue-producing activities, these disbursements are considered to be self-liquidating, eventually to be paid for out of revenue derived from the restaurant and related operations.

The authorized advance for the financial year 1952, viz. \$300,000, has been reduced by a payment of \$26,616 from 1952 earnings to the presently authorized limit of \$273,384. This will be further reduced at the end of 1953.

(iv) *Financing of revolving funds to operate self-liquidating purchases and activities*: sub-paragraph (c).

The authorized advance is used to finance various miscellaneous revolving funds as approved from time to time.

(v) *Financing of guarantee deposit for staff housing*: sub-paragraph (e).

Of the originally outstanding balance of \$400,000 an amount of \$350,000 was refunded to the United Nations in May 1953 and was restored to the Working Capital Fund. It is expected that the remaining \$50,000 will be received before the end of the current year.

(vi) *Financing of advance payments of insurance premiums, for insurance coverage extending beyond the current year on the permanent Headquarters building*: sub-paragraph (f).

In accordance with normal practice of insurance companies, an advance premium payment for five years coverage in respect of fire insurance was made in October for the period 1 January 1953 - 31 December 1957. The procedure is to charge to each year's budget the premium amount applicable for that year, thus reducing the amount of the outstanding balance to the premium due for the unexpired period of the policy.

(vii) *Financing of requirements to complete the permanent Headquarters of the United Nations*: sub-paragraph (g).

It is not anticipated that any disbursement will be made under this provision in 1953.

Part IV. Loans to specialized agencies

10. General Assembly resolution 676 (VII), paragraph 4 (d), authorized the Secretary-General to advance from the Working Capital Fund,

"Loans to specialized agencies and preparatory commissions of agencies to be established by inter-governmental agreement under the auspices of the United Nations to finance their work, pending receipt by the agencies concerned of sufficient contributions under their own budgets. In making such loans, which shall normally be repayable within two years, the Secretary-General shall have regard to the proposed financial resources of the agency concerned and shall obtain the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for any cash issues which would increase the aggregate balance outstanding (including amounts previously advanced and outstanding) at any one time to an amount in excess of \$3 million and for any issue which would increase the balance outstanding (including amounts previously advanced and outstanding) in respect of any one agency to an amount in excess of \$1 million, provided that, notwithstanding the above provisions, the Interim Commission of the International Trade Organization shall be authorized to postpone until 31 December 1953 repayment of the outstanding balance of the loans made to the Interim Commission."

11. As at 30 September 1953, the position of loans authorized to specialized agencies and the balances outstanding thereagainst were as follows:

Agency	Advances authorized by the Secretary-General as at 30 September 1953	Advances outstanding as at 30 September 1953
	Dollars (US)	
(i) Interim Commission of the International Trade Organization	240,000	216,774
(ii) Preparatory Commission of the Inter-Governmental Maritime Consultative Organization	15,000	4,684
TOTAL	255,000	221,458

12. The detailed explanation in respect of these outstanding balances is as follows:

(i) *Interim Commission of the International Trade Organization*

The Interim Commission has stated that \$180,000 of the outstanding balance will be paid in December 1953 and that the Contracting Parties of GATT during their current meeting are likely to make a decision concerning the repayment of the then remaining balance of \$36,774. Consequently, the Secretary-General has recommended that the General Assembly should authorize the continuation of the balance of the loan outstanding until 31 December 1954.

(ii) *Preparatory Commission of the Inter-Governmental Maritime Consultative Organization*

A credit of \$15,000 has been authorized for the Preparatory Commission. As at 30 September 1953, charges for services provided by the United Nations Secretariat amounted to \$4,684.

13. It will be noted that there is no outstanding advance to the World Meteorological Organization, which repaid the \$90,000 previously advanced in two instalments, viz., \$15,000 on 14 September 1953 and \$75,000 on 15 September 1953.

14. The following summarizes the outstanding balances of advances made from the Working Capital Fund as at 30 September 1953 under each of the four parts referred to above, viz.:

	Dollars (US)
Part I. Unforeseen and extraordinary expenses..	72,762
Part II. Financing of budgetary appropriations pending receipt of contributions	2,268,003
Part III. Revolving funds and recoverable advances	334,962
Part IV. Loans to specialized agencies	221,458
TOTAL	2,897,185

DOCUMENT A/2580

Twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[28 November 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General submitting the supplementary estimates for 1953 (A/2534).

2. An analysis of the additional requirements for 1953, estimated at a total of \$1,721,170, is given in the following table:

	Dollars (US)
Amount appropriated for 1953 by the General Assembly [resolution 674 (VII) of 21 December 1952]	48,327,700
Additional requirements for 1953	
A. (i) Estimated additional requirements in respect of 1953 activities for which provision was included in the above appropriations	410,150
(ii) Estimated surpluses on the 1953 appropriations	(816,300)
Estimated net surplus to be surrendered	(406,150)
B. Estimated additional requirements in respect of 1953 activities not covered by the appropriations..	47,921,550
	2,127,320
Revised 1953 appropriation	50,048,870

3. For the purpose of comparison, the following figures are submitted in respect of the years 1951 to 1953:

	Secretary General's original estimates	Supplementary Appropriation	Revised estimates	Actual expenditure
1951 ..	45,450,800	47,798,600	1,126,900	48,925,500
1952 ..	46,568,300	48,096,780	2,450,880	50,547,660
1953 ..	47,765,200	48,327,700	1,721,170	50,270,153

4. Estimated requirements for activities not covered by the 1953 appropriations (\$2,127,320) include \$1,800,000 in respect of the reimbursement of national income tax and \$179,420 in respect of awards of compensation made by the Administrative Tribunal. With the deduction of the saving of \$406,150 on the 1953 appropriations, the supplementary requirement for 1953 amounts to \$1,721,170.

SECTION 1: THE GENERAL ASSEMBLY, COMMISSIONS AND COMMITTEES

5. Additional provision is required to an amount of \$63,120 for temporary assistance in respect of the resumed meetings of the seventh session of the General Assembly (24 February to 23 April and 17 to 28 August 1953), as well as for certain residual obligations, under the temporary assistance heading, from the first part of that session. The earlier of these two series of 1953 meetings involved the expenditure of \$37,640 (out of the above total) for the following thirty-five temporary posts:

(a) Conference and General Services: 25 (10 guards, 1 information clerk, 6 messengers, 7 Spanish verbatim reporters, 1 French verbatim reporter);

(b) Department of Public Information: 10 (2 programme officers, 1 dark-room technician, 7 clerk typists).

6. The special considerations that apply to the engagement of temporary staff for a General Assembly session are recognized by the Advisory Committee. In its first report of 1953 (A/2403, paragraph 56) the Committee noted that such staff might possess qualifications not otherwise available among personnel in the departments or might be necessary in order to supplement the regular staff of technicians. At the same time, however, it suggested that, where secretaries, clerks and typists are concerned, there should be ample scope for economy on temporary assistance through an extension of the system of inter-departmental transfers. In the opinion of the Advisory Committee, certain of the requirements listed in (a) and (b) above might well have been met by such transfers.

7. The duration of a General Assembly session is not to any appreciable extent within the control of the Secretary-General: the length of the agenda, the protraction of debates, the promptness or otherwise of attendance at meetings, these are matters wholly or predominantly determined by the representatives themselves. To that extent, the increase of \$20,000 in temporary assistance

through the extension of the eighth session beyond the appointed ten weeks' period results from action or decision of the Members. More generally, however, the composition of the temporary staff engaged for that session suggests that certain of the posts could have been filled by means of temporary transfers from the existing establishment. Previous recommendations of the Advisory Committee, both in the report cited above and in reports of earlier years, have emphasized that such transfers are both desirable and possible, and it was on that ground that the Committee recommended a sharp reduction in the estimate proposed under this heading for 1954 (A/2403, paragraph 56). The Committee was gratified to receive an assurance from the Secretary-General that the situation in respect to temporary assistance would be corrected in the future.

SECTION 16. ADMINISTRATIVE AND FINANCIAL SERVICES

8. In this section also of the 1953 budget heavy additional expenditure has been incurred for temporary assistance. The Advisory Committee refrains, however, from recommending a reduction in view of the exceptional circumstances attending the work of this Department during 1953. It also notes that the item of \$15,500 required for the secretariat of the Joint Staff Pension Board and United Nations Staff Pension Committee comprises \$9,500 in respect of investment services and \$6,000 in respect of temporary assistance.

SECTION 17. COMMON STAFF COSTS

(a) *Reimbursement of national income tax*

9. The Advisory Committee gave detailed consideration in its report A/2157 (paragraphs 41-50) on the 1953 estimates and in its report A/2403 (paragraphs 189-191) on the 1954³ estimates to the problem of tax reimbursement. Therefore only a brief reference is called for in the present report.

10. At its first session, the General Assembly expressed the opinion that exemption from national income taxation on salaries and emoluments paid by the United Nations was indispensable if equity was to be achieved among its Members and equality among its staff [resolution 13 (I), part V, of 13 February 1946]. That proposition was reaffirmed at succeeding sessions by resolutions. In 1948, the General Assembly, desiring to accomplish its two aims, requested those Members which had not acceded to the Convention on the Privileges and Immunities of the United Nations or which had entered reservations to section 18 (b) of that Convention,¹ to take legislative or other action to grant the necessary tax exemption or to afford in any other manner relief from double taxation [General Assembly resolution 239 C (III)]. Pending such action, the General Assembly has each year authorized the reimbursement of national income taxes paid by staff members who are nationals of Member States that have not acceded to the Convention or have not taken other steps to grant the necessary tax relief.

11. In respect of 1953, the Secretary-General finds it necessary, in view of the fact that certain Member States have still not taken action in the above sense, to request supplementary funds to an amount of \$1,800,000, representing the estimated total to be reimbursed to certain staff members in respect of their tax liability on 1953 emoluments.

12. Where tax reimbursement is concerned, action taken by the General Assembly in respect of a previous

year or series of years is not relevant nor does it establish a precedent permitting the staff member to assume that reimbursement will be continued in the future. It is, on the contrary, an essential prerequisite that specific authority should be sought of the General Assembly in respect of each particular year. Furthermore, a uniform procedure has not been followed in this matter. Thus, for the years 1946 to 1948 inclusive, provision for tax reimbursement was made within the annual budget,² while for each of the years 1949 to 1952 the necessary authority was granted in the Working Capital Fund resolution of the year.³ This change in procedure was fully justified because the General Assembly, at the time when it adopted at its third session (1948) a staff assessment plan, felt confident that all staff members of the United Nations would secure either exemption from national income taxation or, as a minimum, relief from double taxation. Finally, a new procedure was adopted for 1953: the Working Capital Fund resolution for that year contains no clause providing for reimbursement, the request for authority and funds having been deferred until the submission of the supplementary estimates now under review.

13. Actual expenditure and recorded obligations for tax reimbursement amounted during the years 1946 to 1952 to \$7,043,447, to which must be added (if authorized by the General Assembly) a further sum of \$1,800,000 in respect of 1953, to a total of \$8,843,447 expended or appropriated in the eight-year period. A small part of the 1953 figure of \$1,800,000 may cover the reimbursement of taxes to staff members who, though not of United States nationality, have become liable to United States income taxation by electing to retain their permanent residence status. This question is dealt with in a separate report of the Advisory Committee (A/2581).

14. Subject to the above observations, the Advisory Committee concurs in an appropriation of \$1,800,000 under section 17 for the reimbursement of national income tax. In doing so, the Committee takes due note of a statement made by the Secretary-General on 30 September 1953 (379th meeting) in which, after assuring the Fifth Committee that he fully shared the concern of the Advisory Committee over this matter, he observed that he was addressing a further communication to the United States Government calling attention to the comments of the latter Committee and urging that all possible remedial steps should be taken. The Advisory Committee trusts that the reply to this communication will be favourable. It recommends that the Secretary-General should be requested to submit to the General Assembly at its ninth session a report on his negotiations in this particular matter as well as on the general problem of national income taxation imposed upon staff members of the United Nations, together with his proposals for a solution of the problem.

(b) *Awards of compensation by the Administrative Tribunal*

15. In accordance with decisions taken by the Administrative Tribunal, the Secretary-General has included in his supplementary estimates the sum of \$179,420 to cover

² For the years 1946 and 1947 specific provision for tax reimbursement was not included in the budget. Allotments were nevertheless made under the authority of General Assembly resolutions 13 (I), paragraph 12, and 160 (II), paragraph 5. A separate item under the heading "Reimbursement for national income taxation" was included in the budget for 1948.

³ For the year 1949, authority to withdraw funds for the purpose from the Working Capital Fund was granted in a separate resolution of the General Assembly, resolution 239 D (III) of 18 November 1948.

¹ Section 18 (b) reads "[Officials of the United Nations] shall be exempt from taxation on the salaries and emoluments paid to them by the United Nations".

the awards of compensation made by the Tribunal during 1953 to staff members whose appointments had been terminated. This action having been taken by the Secretary-General in accordance with the Statute of the Tribunal, the Advisory Committee concurs in the appropriation of \$179,420 under section 17 of the 1953 budget.

SECTION 18. COMMON SERVICES

16. The Secretary-General anticipates that a net surplus of \$76,200 may be surrendered on the 1953 appropriation of \$3,854,800 for common services. A large part of this surplus arises on the item for internal reproduction supplies because it proved possible during the year to reduce the level of paper stocks in lieu of additional purchases. Among other items contributing to the gross surplus of \$214,300 on this section, the Advisory Committee notes with satisfaction the inclusion of travel on official business, due to the efficacy of the measures of central control.

17. The deficits on section 18, which total \$138,100, include \$37,000 on postal services, \$45,000 on utilities and \$17,000 on telephone services. The first two of these deficits are due mainly to increases in rates charged and are not therefore within the control of the Secretary-General. This circumstance does not, however, apply to the deficit on telephone services and the Advisory Committee trusts that the necessity for continuing the strictest

possible control over this item of expenditure, and particularly over the time for long-distance calls, will be borne in mind.

SECTION 22. ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST

18. A deficit of \$115,000 is anticipated for 1953 on the appropriation of \$1,030,000 for section 22 - Economic Commission for Asia and the Far East. This deficit is attributable to fluctuations in the exchange rate which, in January 1953, stood at *baht* 16.7 to the United States dollar (as compared with a rate of *baht* 21 on which the original estimates had been based) and subsequently fell to *baht* 19.

19. As the exchange rate has continued to decline, it is possible that the 1954 situation may be the exact contrary of that prevailing during 1953. The Advisory Committee has, therefore, inquired into the measures of control that are in force in cases where such fluctuations create a fortuitous surplus. Information submitted to the Advisory Committee indicates that the necessary control is exercised through the machinery of allotment and that, in particular, no new project may be undertaken with such resources of an exceptional and unforeseeable nature.

20. Subject to the above observations, the Advisory Committee recommends that the amount of \$48,327,700 appropriated for the financial year 1953 under General Assembly resolution 674 (VII) of 21 December 1952 should be increased by \$1,721,170 to \$50,048,870.

DOCUMENT A/C.5/L.263

Canada, Colombia and the United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[6 December 1953]

The General Assembly,

Considering the request for a supplementary appropriation of \$179,420, made by the Secretary-General in his report (A/2534) for the purpose of covering the awards made by the United Nations Administrative Tribunal in eleven cases numbered 26, and 37 to 46 inclusive,

Considering the concurrence in that appropriation by the Advisory Committee on Administrative and Budgetary Questions contained in its twenty-fourth report to the Eighth Session of the General Assembly in document A/2580,

Considering, nevertheless, that important legal questions have been raised in the course of debate in the Fifth Committee with respect to that appropriation,

Decides

To submit the following legal questions to the International Court of Justice for an advisory opinion:

(i) Having regard to the Statute of the United Nations Administrative Tribunal and to any other relevant instruments and to the relevant records, has the General Assembly the right on any grounds to refuse to give effect to an award of compensation made by that Tribunal in favour of a staff member of the United Nations whose contract of service has been terminated without his assent?

(ii) If the answer by the Court to question (i) is in the affirmative, what are the principal grounds upon which the General Assembly could lawfully exercise such a right?

DOCUMENT A/C.5/L.264 (EXCERPT)

Draft report of the Fifth Committee on the budget estimates for the financial year 1954

[Original text: English]
[6 December 1953]

Draft resolution B

*Unforeseen and extraordinary expenses
for the financial year 1954*

The General Assembly,

Resolves that, for the financial year 1954

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 \$ US 2 million if the Secretary-General certifies that they relate to the maintenance of peace and security or to urgent economic rehabilitation;

(b) Such commitments not exceeding a total of \$50,000 as are required for the United Nations Good Offices

Commission on the treatment of people of Indian origin in the Union of South Africa ;

(c) Such commitments not exceeding a total of \$50,000 as are required for the Commission appointed to study the racial situation in the Union of South Africa ;

(d) Such additional commitments as are required for the *Ad Hoc* Commission on Prisoners of War.

(e) Such commitments not exceeding a total of \$184,000 as are required for the purchase of Korean service medals and ribbons ;

(f) Such commitments, duly certified by the President of the International Court of Justice, relating to expenses occasioned :

(i) By the designation of *ad hoc* judges (Statute, Article 31) ;

(ii) By the appointment of assessors (Statute, Article 30), or by the calling of witnesses and the appointment of experts (Statute, Article 50) ;

(iii) By the holding of sessions of the Court away from The Hague (Statute, Article 22) ;

and not exceeding \$24,000, \$25,000 and \$75,000 respectively under each of the above three headings ;

The Secretary-General shall report to the Advisory Committee and to the General Assembly, at its next regular 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.

DOCUMENT A/C.5/L.267

France: amendment to the draft resolution submitted by Canada, Colombia and the United Kingdom (A/C.5/L.263)

[Original text: French]
[7 December 1953]

1. In paragraph (i) of the operative part, delete the words "on any grounds".

2. In paragraph (ii) of the operative part, insert "(a)" after the words "is in the affirmative," and add the following new sub-paragraph: "(b) do these grounds, whatever they may be, apply to any of the decisions which have led to the request for the appropriation?"

DOCUMENT A/C.5/L.268/Rev.1

France: revised amendment to draft resolution B contained in the draft report of the Fifth Committee (A/C.5/L.264)

[Original text: French]
[8 December 1953]

Add the following sub-paragraph (g) to draft resolution B (Unforeseen and extraordinary expenses for the financial year 1954) :

"(g) The disbursements required for the payment of the indemnities awarded by the Administrative Tribunal and mentioned in the General Assembly's request to the International Court of Justice for an advisory opinion, in the event of the Court's finding that the General Assembly is not entitled to refuse to give effect to the said awards."

DOCUMENT A/2624

Report of the Fifth Committee

[Original text: English]
[8 December 1953]

1. The Fifth Committee, at its 420th to 427th meetings from 3 to 8 December 1953, considered the question of supplementary estimates for 1953. The Committee had before it, as a basis for its discussion of the item, a report by the Secretary-General (A/2534), together with the twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions to the General Assembly (A/2580).

2. Discussion in the Fifth Committee was primarily directed to the payment of awards of compensation ordered by the Administrative Tribunal in the case of some eleven staff members whose appointments had been terminated during 1953. For the purpose of such payment, the Secretary-General had included in his supplementary estimates a sum of \$179,420, and had recommended, for the reasons set out in paragraph 8 (ii)

of Annex A of his report (A/2534), that the necessary funds should be appropriated by the General Assembly.

3. The Advisory Committee, in its report, expressed its concurrence in the proposed appropriation under section 17 of the 1953 budget, on the grounds that the Secretary-General's action in including this provision had been taken in accordance with the Statute of the Administrative Tribunal.

4. The views expressed by various delegations in the course of the discussion of this matter in the Fifth Committee and the positions taken by them are set forth in the summary records of the 420th to 423rd meetings.

5. In addition to the proposal of the Secretary-General, concurred in by the Advisory Committee, the Committee had before it a draft resolution submitted jointly by

Canada, Colombia and the United Kingdom (A/C.5/L.263), amendments to this draft resolution proposed by France (A/C.5/L.267), and a further revised amendment by France (A/C.5/L.268/Rev.1).

6. The joint draft resolution of Canada, Colombia and the United Kingdom (A/C.5/L.263) provided that the General Assembly, considering the request for a supplementary appropriation to cover the awards made by the Administrative Tribunal, considering the concurrence of the Advisory Committee in the appropriation, considering nevertheless that important legal questions had been raised in the course of the Fifth Committee debate, should decide to request an advisory opinion from the International Court of Justice on the following legal questions:

"(i) Having regard to the Statute of the United Nations Administrative Tribunal and to any other relevant instruments and to the relevant records, has the General Assembly the right on any grounds to refuse to give effect to an award of compensation made by that Tribunal in favour of a staff member of the United Nations whose contract of service has been terminated without his assent?

"(ii) If the answer given by the Court to question (i) is in the affirmative, what are the principal grounds upon which the General Assembly could lawfully exercise such a right?"

7. The first amendment of France contained in document A/C.5/L.267 proposed the deletion from question (i) of the words "on any grounds"; the second amendment proposed to add as a part (b) to the second question the following "do these grounds, whatever they may be, apply to any of the decisions which have led to the request for the appropriation?"

8. The revised French amendment (A/C.5/L.268/Rev.1) was for the addition to draft resolution B contained in the draft report of the Fifth Committee on the budget estimates for the financial year 1954 (A/C.5/L.264) of a sub-paragraph (g) which would have authorized the Secretary-General to enter into commitments to meet unforeseen and extraordinary expenses for the sums needed for payment of the compensations awarded by the Administrative Tribunal, and referred to in the request by the General Assembly for an advisory opinion from the International Court of Justice, if the Court were of the opinion that the General Assembly had not the right to refuse to give effect to the said awards.

9. At the 427th meeting on 8 December 1953, the representative of the Union of Soviet Socialist Republics proposed that the Committee should first vote on the proposal of the Secretary-General and the Advisory Committee for the appropriation of the funds in question. This proposal was rejected by 29 votes to 6, with 14 abstentions.

10. The Committee then voted by roll-call as follows: The Committee rejected the first amendment of France (A/C.5/L.267, paragraph 1) by 28 votes to 19, with 6 abstentions. The voting was as follows:

In favour: Iceland, India, Indonesia, Iran, Israel, Lebanon, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Saudi Arabia, Sweden, Syria, Uruguay, Belgium, Denmark, Egypt, France.

Against: Iraq, Nicaragua, Pakistan, Panama, Peru, Philippines, Poland, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Greece, Haiti, Honduras.

Abstaining: Liberia, Union of South Africa, Yemen, Yugoslavia, Brazil, Ethiopia.

11. The Committee rejected the second French amendment (A/C.5/L.267, paragraph 2) by 22 votes to 15, with 17 abstentions. The voting was as follows:

In favour: Belgium, Canada, Colombia, Denmark, Egypt, France, Israel, Luxembourg, Mexico, Netherlands, New Zealand, Pakistan, Panama, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Australia, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Honduras, Iraq, Nicaragua, Norway, Peru, Philippines, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Venezuela, Argentina.

Abstaining: Bolivia, Brazil, Chile, Ethiopia, Greece, Haiti, Iceland, India, Indonesia, Iran, Lebanon, Liberia, Saudi Arabia, Syria, Union of South Africa, Yemen, Yugoslavia.

12. The Committee adopted the joint draft resolution of Canada, Colombia and the United Kingdom (A/C.5/L.263) by 35 votes to 7, with 12 abstentions. The voting was as follows:

In favour: Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Greece, Haiti, Honduras, Iceland, India, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Netherlands, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Syria, Thailand.

Against: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Byelorussian Soviet Socialist Republic, Czechoslovakia, Mexico, Poland.

Abstaining: United States of America, Yemen, Australia, Belgium, China, Ethiopia, France, Indonesia, New Zealand, Nicaragua, Sweden, Turkey.

13. The Committee decided to vote on the revised French amendment (A/C.5/L.268/Rev.1) in two parts. It adopted the first part reading "the disbursements required for the payment of the indemnities awarded by the Administrative Tribunal" by 23 votes to 22, with 12 abstentions. The voting was as follows:

In favour: Egypt, France, India, Indonesia, Israel, Lebanon, Luxembourg, Mexico, Netherlands, Poland, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Belgium, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark.

Against: Greece, Honduras, Iraq, Nicaragua, Pakistan, Peru, Philippines, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Bolivia, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador.

Abstaining: Ethiopia, Haiti, Iceland, Iran, Liberia, New Zealand, Norway, Panama, Saudi Arabia, Brazil, Burma, Costa Rica.

14. The Committee rejected the second part of the revised French amendment by 28 votes to 20, with 9 abstentions. The voting was as follows:

In favour: Israel, Lebanon, Luxembourg, Netherlands, New Zealand, Saudi Arabia, Sweden, Syria, Uruguay, Yemen, Afghanistan, Belgium, Brazil, Canada, Denmark, Egypt, France, Iceland, India, Indonesia.

Against: Nicaragua, Pakistan, Peru, Philippines, Poland, Thailand, 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, Venezuela, Yugoslavia, Argentina, Australia, Bolivia, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Greece, Haiti, Honduras.

Abstaining: Iraq, Liberia, Mexico, Norway, Panama, Burma, Costa Rica, Ethiopia, Iran.

15. The Committee then rejected the revised French amendment as a whole by 25 votes to 19, with 13 abstentions. The voting was as follows:

In favour: Czechoslovakia, Egypt, France, India, Indonesia, Lebanon, Mexico, Netherlands, Poland, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Belgium, Byelorussian Soviet Socialist Republic.

Against: Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Greece, Haiti, Honduras, Iceland, Iraq, Nicaragua, Pakistan, Peru, Philippines, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Bolivia.

Abstaining: Denmark, Ethiopia, Iran, Israel, Liberia, Luxembourg, New Zealand, Norway, Panama, Saudi Arabia, Brazil, Burma, Canada.

16. A number of delegations, referring to the supplementary request of \$1,800,000 representing the estimated total to be reimbursed to certain staff members in respect of their income tax liability on 1953 emoluments, reiterated their strong opposition to the appropriation of funds for this purpose. Particular attention was called in this connexion to the observations of the Advisory Committee as set forth in paragraphs 9 to 14 of its report (A/2580) and, in particular, to the Committee's recommendation that the Secretary-General should be requested to submit to the General Assembly at its ninth session a report on his negotiations on this matter with the Government of the United States of America, as well as on the general problem of national income taxation imposed upon staff members of the United Nations, together with his proposals for a solution of the problem. The increasingly heavy charge added to the United Nations budget as a result of supplementary appropriations for tax reimbursement was considered by these delegations to be entirely unwarranted. In answer to a question addressed to him by the representative of Czechoslovakia, the Secretary-General informed the Committee that no reply had yet been received to the communication he had recently addressed to the Government of the United States of America, calling attention to the terms of relevant resolutions of the General Assembly and urging that all possible remedial steps should be taken. The Secretary-General further stated that it was his intention to submit for the consideration of the Fifth Committee and of the General Assembly at its ninth session a definite proposal which he hoped would go far towards solving existing problems.

17. A separate vote having been requested on the proposed provision of \$1,800,000 for reimbursement of national income taxes, the Committee approved, by 27 votes to 7, with 16 abstentions, the inclusion of this sum in the 1953 supplementary estimates.

18. The Committee noted that the supplementary estimates under review modified a number of budget sections as compared with the appropriation for those sections adopted at the seventh session of the General Assembly. While appreciating the difficulty in estimating with precision budget estimates which had perforce to be prepared well before the opening of the financial year to which they related, it urged the necessity to ensure a strict control on expenditure throughout the working year so that transfer actions might be kept to a minimum.

19. In the light of the foregoing decisions, the Committee decided, by 46 votes to 5, with one abstention, to recommend to the General Assembly that the amount of \$48,327,700 appropriated for the financial year 1953 by resolution 674 (VII), adopted on 21 December 1952, should be increased by \$1,541,750.

Recommendation of the Fifth Committee

20. The Fifth Committee accordingly recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolutions

SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1953

A

The General Assembly,

Considering the request for a supplementary appropriation of \$179,420, made by the Secretary-General in his report (A/2534) for the purpose of covering the awards made by the United Nations Administrative Tribunal in eleven cases numbered 26, and 37 to 46 inclusive,

Considering the concurrence in that appropriation by the Advisory Committee on Administrative and Budgetary Questions contained in its twenty-fourth report to the eighth session of the General Assembly (A/2580),

Considering, nevertheless, that important legal questions have been raised in the course of debate in the Fifth Committee with respect to that appropriation,

Decides

To submit the following legal questions to the International Court of Justice for an advisory opinion:

"(i) Having regard to the Statute of the United Nations Administrative Tribunal and to any other relevant instruments and to the relevant records, has the General Assembly the right on any grounds to refuse to give effect to an award of compensation made by that Tribunal in favour of a staff member of the United Nations whose contract of service has been terminated without his assent?

"(ii) If the answer given by the Court to question (i) is in the affirmative, what are the principal grounds upon which the General Assembly could lawfully exercise such a right?"

B

The General Assembly

Resolves that the amount of \$48,327,700 appropriated for the financial year 1953 by resolution 674 (VII), adopted on 21 December 1952, is increased by \$1,541,750 as follows:

Section	Amount appropriated under resolution 674 (VII) as adjusted	Supplementary appropriation, increase or decrease	Revised amounts of appropriation
<i>Dollars (US)</i>			
A. UNITED NATIONS			
<i>Part I. Sessions of the General Assembly, the Councils, Commissions and Committees</i>			
1. The General Assembly, Commissions and Committees	603,400	120,000	723,400
2. The Security Council, Commission and Committees	—	—	—
3. The Economic and Social Council, Commissions and Committees ..	263,200	(17,000)	246,200
3a. Permanent Central Opium Board and Narcotic Drugs Supervisory Body	20,000	4,000	24,000
3b. Regional Economic Commissions	96,000	—	96,000
4. The Trusteeship Council, Commissions and Committees	59,900	—	59,900
TOTAL, PART I	<u>1,042,500</u>	<u>107,000</u>	<u>1,149,500</u>
<i>Part II. Investigations and inquiries</i>			
5. Investigations and inquiries	2,140,700	(25,000)	2,115,700
5a. United Nations Field Service	546,200	—	546,200
TOTAL, PART II	<u>2,686,900</u>	<u>(25,000)</u>	<u>2,661,900</u>
<i>Part III. Headquarters New York</i>			
6. Executive Office of the Secretary-General	375,100	15,900	391,000
6a. Library	471,000	(10,000)	461,000
7. Department of Political and Security Council Affairs	753,200	(20,000)	733,200
8. Military Staff Committee secretariat	130,900	(15,000)	121,900
9. Technical Assistance Administration	386,700	—	386,700
10. Department of Economic Affairs	2,269,100	(140,000)	2,129,100
11. Department of Social Affairs	1,685,900	(20,000)	1,665,900
12. Department of Trusteeship and Information from Non-Self-Governing Territories	936,000	(36,000)	900,000
13. Department of Public Information	2,734,900	(50,000)	2,684,900
14. Legal Department	451,400	(6,000)	445,400
15. Conference and General Services	9,614,350	(140,000)	9,474,350
16. Administrative and Financial Services	1,564,200	29,000	1,593,200
17. Common staff costs	4,479,500	1,885,850	6,365,350
18. Common services	3,854,800	(76,200)	3,778,600
19. Permanent equipment	252,050	—	252,050
TOTAL, PART III	<u>29,965,100</u>	<u>1,417,550</u>	<u>32,382,650</u>
<i>Part IV. United Nations European Office</i>			
20. United Nations European Office (excluding direct costs—chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body)	4,407,800	69,200	4,477,000
Chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body	47,100	—	47,100
20a. Office of the United Nations High Commissioner for Refugees	650,000	—	650,000
TOTAL, PART IV	<u>5,104,900</u>	<u>69,200</u>	<u>5,174,100</u>
<i>Part V. Information centres</i>			
21. Information centres (other than information services, United Nations European Office)	862,300	—	862,300
TOTAL, PART V	<u>862,300</u>	<u>—</u>	<u>862,300</u>
<i>Part VI. Regional Economic Commissions (other than the Economic Commission for Europe)</i>			
22. Economic Commission for Asia and the Far East	1,030,000	115,000	1,145,000
23. Economic Commission for Latin America	866,000	(47,000)	819,000
TOTAL, PART VI	<u>1,896,000</u>	<u>68,000</u>	<u>1,964,000</u>
<i>Part VII. Hospitality</i>			
24. Hospitality	20,000	—	20,000
TOTAL, PART VII	<u>20,000</u>	<u>—</u>	<u>20,000</u>
<i>Part VIII. Contractual printing</i>			
25. Official Records (excluding chapter VI, Permanent Central Opium Board and Narcotic Drugs Supervisory Body)	752,220	(25,000)	727,220
Chapter VI, Permanent Central Opium Board and Narcotic Drugs Supervisory Body	11,780	—	11,780
26. Publications	812,800	(50,000)	762,800
TOTAL, PART VIII	<u>1,576,800</u>	<u>(75,000)</u>	<u>1,501,800</u>

Section	Amount appropriated under resolution 674 (VII) as adjusted	Supplementary appropriation, increase or decrease	Revised amounts of appropriation
Dollars (US)			
<i>Part IX. Technical programmes</i>			
27. Social activities	768,500	—	768,500
28. Economic development	479,400	—	479,400
29. Public administration	145,000	—	145,000
TOTAL, PART IX	1,392,900	—	1,392,900
<i>Part X. Special expenses</i>			
30. Transfer of the assets of the League of Nations to the United Nations	649,500	—	649,500
31. Amortization of the Headquarters construction loan	1,500,000	—	1,500,000
31a. Headquarters construction costs	1,000,000	—	1,000,000
TOTAL, PART X	3,149,500	—	3,149,500
B. THE INTERNATIONAL COURT OF JUSTICE			
<i>Part XI. The International Court of Justice</i>			
32. The International Court of Justice	630,800	(20,000)	610,800
TOTAL, PART XI	630,800	(20,000)	610,800
GRAND TOTAL	\$48,327,700	\$1,541,750	\$49,869,450

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted the draft resolutions A and B (above) submitted by the Fifth Committee. For the final text, see resolution 785 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/1003	Fifth report of 1949 of the Advisory Committee on Administrative and Budgetary Questions		Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex Vol. 1
A/1127 and Corr.1	Report of the Fifth Committee		Ibid., Plenary Meetings, Annex
A/2157	Advisory Committee on Administrative and Budgetary Questions: First report to the General Assembly seventh session		Ibid., Seventh Session, Supplement No. 7
A/2364	Report of the Secretary-General		Ibid., Annexes, agenda item 75
A/2403	Advisory Committee on Administrative and Budgetary Questions: First report to the eighth session of the General Assembly		Ibid., Eighth Session, Supplement No. 7
A/2533	Report of the Secretary-General		Annexes, agenda item 51
A/2534	Report of the Secretary-General	1	
A/2580	Twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions	11	
A/2581	Twenty-fifth report of the Advisory Committee on Administrative and Budgetary Questions: Observations on part II of the report of the Secretary-General (A/2533)		Annexes, agenda item 51
A/2624	Report of the Fifth Committee	14	
A/AC.46/10	Ad Hoc Commission on Prisoners of War: Special report to the Secretary-General		Mimeographed document only
A/C.5/547	Statement of 1953 budget expenses to 30 September 1953: Report of the Secretary-General		Ditto

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/C.5/L.4/Rev.1 and Corr.1	Draft Statute of a United Nations Administrative Tribunal with proposed amendments		<i>Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex Vol. 1</i>
A/C.5/L.4/Rev.2	Draft Statute of a United Nations Administrative Tribunal with proposed amendments		<i>Ibid.</i>
A/C.5/L.198	Section 17: Common Staff Costs: Note by the Secretary-General		<i>Ibid., Seventh Session, Annexes, agenda item 42</i>
A/C.5/L.263	Canada, Colombia, and United Kingdom of Great Britain and Northern Ireland: draft resolution	13	
A/C.5/L.264 (excerpt)	Draft report of the Fifth Committee on the budget estimates for the financial year 1954	13	The full text of the draft report is mimeographed only. For the final text, see <i>Annexes</i> , agenda item 39, document A/2622
A/C.5/L.267	France: amendments to the draft resolution submitted by Canada, Colombia and the United Kingdom (A/C.5/L.263)	14	
A/C.5/L.268/Rev.1	France: revised amendment to draft resolution B contained in the draft report of the Fifth Committee on the budget estimates for the financial year 1954 (A/C.5/L.264)	14	See <i>Annexes</i> , agenda item 39
A/RESOLUTION/194	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 20, resolution 785 (VIII).</i>

GENERAL
ASSEMBLY

Official Records



ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 39: Budget estimates for the financial year 1954

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Revised estimates for section 20a : Office of the High Commissioner for Refugees

[Original text : English]
[17 September 1953]

	Chapter I	Chapter II	Total
	Dollars (US)		
1954 original budget estimates	279,800	400,200	680,000
Supplementary estimates now submitted	17,400	45,600	63,000
Revised estimates	297,200	445,800	743,000
1953 appropriations	292,200	357,800	650,000

1. The High Commissioner for Refugees has requested that the following supplementary estimates for Section 20a be submitted to the General Assembly on his behalf.

2. These estimates totalling \$63,000 have the effect of revising his requirements for 1954 from \$680,000 to \$743,000. The High Commissioner has based his additional submission on a reappraisal of the work confronting his office for 1954, assuming a continuation of the office.

3. In making this reappraisal, the High Commissioner took the following points into consideration :

(a) The credits provided for 1953 were some \$54,000 less than the amount he foresaw as actually required. The Advisory Committee recommended a reduction of \$24,000 in this initial request of \$670,130 for 1953, including in its recommendations a reduction in the number of established posts from 105 to 100. These recommendations were approved by the General Assembly. A further \$30,000 has had to be utilized for meeting the cost of removing minus salary differentials at Geneva and other places and adding plus salary

differentials and cost-of-living adjustments in a number of branch offices. As a consequence, it is not possible to finance all posts in the approved 1953 manning table or to meet currently arising situations by internal budget adjustments.

(b) The workload of branch offices is still increasing, especially in Germany where a sub-office in Munich has become an essential requirement for 1954; and another effect of this increase is the need for funds for travel of branch office representatives in excess of the 1953 level. In addition, the changing political situations make it necessary to review the representation of the office in Southern Europe and the Near East. It is felt that the work in these areas cannot be carried on by the branch office now located in Greece. In Yugoslavia, changing conditions may make the voluntary repatriation of a considerable number of refugees a real possibility. The Yugoslav Government has requested the assistance of the office in this field. Furthermore, the situation in Egypt and the Near Eastern countries would justify the establishment of a separate branch office in Egypt which could be partly offset by a reduction in the size of the present branch office in Greece. The recently developed increased possibilities of resettlement in Latin America make it necessary also to plan for the establishment in 1954 of one additional branch office, probably in Brazil.

(c) The number of posts at the Headquarters Office, reduced in the original 1954 submission by two, should be restored to the 1953 total since it is now clear that

otherwise the staff would be unable to cope with the substantial workload deriving from increased activities of branch offices, servicing of organs of the United Nations (including the High Commissioner's Advisory Committee), and maintenance of relations with other international organizations.

The detailed revisions in the estimates are presented below:

CHAPTER I. HEADQUARTERS OFFICE OF THE HIGH COMMISSIONER: \$17,400

4. *Established Posts*: The original estimates contemplated a net abolition of two posts as a result of the reorganization of the Headquarters Office. It is proposed to add one post at the level of second officer and one general service post (G-4 level). Upon further review, it now appears necessary to restore the number of established posts to forty-two. The second officer post is required to deal especially with the preparation of reports for the High Commissioner's Advisory Committee and other bodies of the United Nations, and to assist in liaison with non-governmental organizations. With the restoration of this post, it becomes necessary to maintain the general service post as well.

The sum required is \$10,400.

5. *Consultants*: The present estimate of \$2,000 for Headquarters is likely to be inadequate to carry out required surveys of special refugee problems. It should be noted that as from June 1953 a grant of \$120,000 which was made by the Rockefeller Foundation to carry out a full survey of refugees in the post-war world was terminated.

The sum required is \$2,000.

6. *Travel on Official Business*: The amount of \$22,000 appropriated for 1953 and initially requested for 1954 is proving insufficient to allow staff members responsible at Headquarters for particular areas to make required trips to branch offices, especially in view of the increased need for consultations by the High Commissioner and senior officials with governments outside branch office areas which are contributory to the solution of refugee problems.

The sum required is \$5,000.

7. *Common Staff Costs*: Common staff costs for the two additional posts requested would be met by absorption within the appropriation for Section 20.

CHAPTER II. BRANCH OFFICES: \$45,600.

8. *Established Posts*: Additional provisions required for sub-offices and branch offices are:

(a) A sub-office of the Bonn branch office to be located at Munich and to consist of one associate officer and one clerk-secretary. There are over 200,000 displaced persons and refugees within the mandate of the United Nations High Commissioner for Refugees (UNHCR) in Germany. By far the greatest number of them are concentrated around Munich, Bavaria, which can almost be described as the refugee capital of Germany. Nearly half the total number of UNHCR refugees in Germany are in Bavaria and the South West State.

Germany is a Federal State where a large amount of autonomy is given to the State (*Laender*) Governments. The *Laender* are nearly independent in many matters, including refugee affairs, where the Federal Government controls only the over-all policy. Bonn, the Federal capital, is several hours' journey by fast train from Munich. However, refugees being scattered throughout

the Federal territory, and contact with the Federal Government being vital, the main UNHCR office must be stationed in Bonn. It is, however, virtually impossible to cover Southern Germany from there. For obvious historical reasons Germany is an extremely sensitive spot as regards the problems of displaced persons and refugees.

(b) A sub-office of the Bonn branch, consisting of one senior clerk serving as custodian of confidential files on the International Tracing Service premises at Arolsen. The International Refugees Organization (IRO) files on some 180,000 ex-IRO refugees in Germany were given to the UNHCR. They consist of some hundreds of thousands of files comprising personal data of a highly confidential nature. The custody of the files has been transferred to the International Tracing Service at Arolsen and the documents have been integrated with the International Tracing Service documents. These files prove of immeasurable value in facilitating the resettlement of refugees abroad and also their integration into the German economy. However, the operation of the International Tracing Service is due to be handed over to the German authorities in the near future. This creates a very delicate problem of access and custody, in view of the fact that many refugees are in fact displaced persons who were displaced to Germany by the Nazi authorities. Therefore a permanent representative of the UNHCR at Arolsen controlling these files is very necessary.

(c) One senior clerk at the Vienna branch office. The UNHCR office in Vienna is responsible for the protection of some 230,000 refugees in Austria within the UNHCR mandate. The staff consists of three professional officers and four general service category staff. The amount of clerical work is putting a great strain on the general service category staff. The addition of a general office clerk would greatly relieve the situation and improve the running efficiency of the office.

(d) One senior clerk to serve as custodian of files at the Wels sub-office of the Vienna branch office. This post has been provided for on a temporary basis pending a decision, which has been taken recently, that the High Commissioner would continue to be responsible for maintenance of these materials. The IRO files consist of individual dossiers on all the IRO refugees in Austria and are concentrated in Wels, Austria. These files are highly confidential and they include details of the refugees, details of their families and their countries of origin, statements made by the refugees and proof of such statements. Access to the documents must be strictly controlled. The files prove of immeasurable value in facilitating the resettlement of refugees abroad and also their integration into the Austrian economy.

(e) The increasing work connected with the repatriation of refugees to Yugoslavia, and work connected with the tracing of Yugoslav children who have been settled outside Yugoslavia make it necessary to provide for one additional associate officer and one clerk-secretary who could begin the work in Germany and Austria. It might eventually be found necessary for such an officer to be located in Yugoslavia where there are also approximately 4,000 refugees from Eastern Europe who are within the mandate of the office of the High Commissioner.

(f) A branch office in Cairo consisting of one second officer, one assistant officer and one clerk-secretary. A recent visit of a staff member of the office to the Middle East and Ethiopia made it clear that it is important for the High Commissioner to have a liaison office located in Cairo to cover the whole Middle East and Ethiopia. Approximately 5,000 refugees coming within the mandate of the High Commissioner are scattered over several

countries in this area. Due to economic and other reasons it seems unlikely that they will find employment in their countries of residence and therefore the emigration of the greatest part of them should be fully investigated. Voluntary agencies are already working in this field. In order to facilitate both the emigration of the largest part of these refugees and the integration of the remainder, a small liaison office should be located in Egypt. From a preliminary survey it appears that one professional officer and one secretary would be able to cover the area. The proposal has the support of the Egyptian authorities. It is anticipated that administrative expenses can be reduced to the minimum by integration with an existing United Nations office.

(g) A branch office in Rio de Janeiro consisting of one second officer and one clerk-secretary. There are approximately 40,000 refugees under the High Commissioner's mandate in Brazil. It has proved impossible for the representative in Bogota to exercise his functions effectively and due to the enormous geographical area for which he is responsible it has become essential for a sub-branch to be established in Brazil which also would cover Argentina and Uruguay. Brazil ranks as the major resettlement country in Latin America for refugees and one of the functions of a representative would be to increase the opportunities for refugee migrants working in close collaboration with other agencies engaged in this task. The Brazilian Government occupies a special position since it has signed the Convention on refugees and is a member of the High Commissioner's Advisory Committee. The functions of an office in Rio de Janeiro could be discharged by a deputy of the representative for Latin America (P-3 assisted by a secretary).

9. The professional post in Rio de Janeiro is to be obtained by the transfer and upgrading of an associate officer's post from the branch office at Bogota. The second officer and general service posts required for the Cairo office are to be obtained by transfer from the office at Athens. In addition the senior officer post at Athens is to be downgraded to first officer. The net increase in the established posts is therefore limited to the addition of three professional and six general service posts, increasing the posts in the professional category from 26 to 29, the posts in the general service category from 33 to 39 and resulting in an increase in total posts from 59 to 68. After making adjustments in respect of downgrading of Athens P-5 to P-4 (\$2,200) and of delayed recruitment at Belgrade (\$1,900) the additional amount required is \$20,900.

10. *Travel on Official Business*: The proposal to increase the initial estimate of \$20,000 is the result of a review of requirements which has revealed serious inadequacies in the sums available for allocation to branch offices. Actual expenditures came to \$17,481 for 1952 during which period only six of the present ten branch offices were in full operation. The additional amount requested for 1954 would be distributed so as to bring allocations closer to actual requirements.

The sum required is \$10,000.

11. *Common Staff Costs*: This is an estimate on the basis of experience.

The sum required is \$4,200.

12. *Common Services*: The increased provision is requested to cover Common Service requirements in connexion with the operation of the four additional offices proposed at Munich, Belgrade, Cairo and Rio de Janeiro.

The sum required is \$5,500.

13. *Permanent Equipment*: The increased provision is for the additional offices.

The sum required is \$5,000.

14. With the above revision of the amount required for Section 20a, from \$680,000 to \$743,000, the grand total for which budgetary provision is requested in Section 20a, Chapters VI and VII of Section 20 and Sections 25 and 62 is increased from \$750,000 to \$813,000.

OFFICE OF THE HIGH COMMISSIONER FOR REFUGEES : RECAPITULATION

	Original Estimate	Supplementary Estimate	Revised Estimate
	Dollars (US)		
<i>Included in Section 20a</i>			
<i>Chapter I - Headquarters</i>			
Established Posts	253,700	10,400	264,100
Consultants	2,000	2,000	4,000
Temporary Assistance ...	2,000	—	2,000
Overtime	100	—	100
Travel on Official Business	22,000	5,000	27,000
	<u>279,800</u>	<u>17,400</u>	<u>297,200</u>
<i>Chapter II Branch Offices</i>			
Established Posts	276,900	20,900	297,800
Consultants	1,000	—	1,000
Temporary Assistance ...	3,000	—	3,000
Overtime	200	—	200
Travel on Official Business	20,000	10,000	30,000
Common Staff Costs (Branch offices)	49,000	4,200	53,200
Common Services (Branch offices)	48,100	5,500	53,600
Permanent Equipment ..	2,000	5,000	7,000
	<u>400,200</u>	<u>45,600</u>	<u>445,800</u>
TOTAL	680,000	63,000	743,000
<i>Included in Section 20</i>			
<i>Headquarters: Common Staff</i>			
Costs	50,000	—	50,000
<i>Headquarters: Common Ser-</i>			
<i>vices</i>	16,000	—	16,000
	<u>66,000</u>	<u>—</u>	<u>66,000</u>
<i>Included in Section 26</i>			
Contractual Printing	3,000	—	3,000
TOTAL	749,000	63,000	812,000

DOCUMENT A/C.5/542

Revised estimates for sections 3, 10, 11, 20 and 23

[Original text : English]
[23 September 1953]

	Section 3 Economic and Social Council Commissions and Committees	Section 10 Department of Economic Affairs	Section 11 Department of Social Affairs	Section 20 European Office of the United Nations	Section 23 Economic Commission for Latin America
			Dollars (US)		
1954 Original budget estimates (A/2383)	148,700	2,314,700	1,764,000	4,761,100	936,200
Supplementary estimates now submitted	28,230	15,000	3,000	18,300	63,360
Revised estimates	176,930	2,329,700	1,767,000	4,779,400	999,560
Original estimate as recommended by Advisory Committee (A/2403)	140,500	2,254,700	1,704,000	*	888,700
Advisory Committee recommendation (A/2403) plus Secretary-General's supplementary estimate	168,730	2,269,700	1,707,000	*	952,060
1953 Appropriation	263,200	2,269,100	1,685,900	4,454,900	866,000
1952 Expenditures	134,614	2,182,982	1,664,052	4,403,945	732,897

* Not available.

1. The following revised estimates for Sections 3, 10, 11, 20 and 23 of the 1954 budget are submitted pursuant to General Assembly resolution 533 C (VI). They provide for implementation of work programmes approved by the Economic and Social Council at its fifteenth and sixteenth sessions, but not covered in the original budget estimates for 1954 (A/2383). Should the Second or Third Committees, in considering the report of the Council to the General Assembly, propose to modify any action of the Council upon which these estimates are based, the Secretary-General would revise the present estimates accordingly.

2. Other resolutions of the Council are the subject of specific items on the agenda of the eighth session of the General Assembly. They are noted as items 62, 63 and 68 (a) and (b) in the agenda as adopted at the 435th plenary meeting of the General Assembly.

3. The items dealing with technical assistance, (i) in promoting and safeguarding the rights of women [item 62], and (ii) in the fields of prevention of discrimination and protection of minorities [item 63], have been referred to the Third Committee. In due course, the Fifth Committee may be requested to consider any foreseeable financial implications of those items. Items 68 (a) and (b) have been referred to the Fifth Committee and will be treated in separate papers: 68 (a) deals with the assumption by organs of the United Nations of functions and responsibilities assigned to them under the terms of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953, and of the financial burdens resulting therefrom; 68 (b) deals with the question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body.

SECTION 3. THE ECONOMIC AND SOCIAL COUNCIL,
COMMISSIONS AND COMMITTEES

4. Part F of resolution 468 (XV) of the Economic and Social Council on the report of the sixth session of the Transport and Communications Commission¹ deals

¹ Official Records of the Economic and Social Council, Fifteenth Session, Supplement No. 4.

particularly with the question of Customs Formalities for the Temporary Importation of Private Vehicles and for Tourism. It instructs the Secretary-General:

(a) to convene as early as possible in 1954, and preferably in Geneva, a conference of governments for the conclusion on a world-wide basis of two conventions relating to customs formalities, namely:

(i) for the temporary importation of private road motor vehicles carrying persons and the equipment of such vehicles;

(ii) for tourism (i.e., the personal effects of tourists travelling by any means of transport);

(b) to designate an executive secretary and provide the conference with the necessary staff and services.

The resolution further instructs the Secretary-General to invite all Member States of the United Nations to participate in the Conference, and also to invite the specialized agencies and appropriate inter-governmental and international organizations to send observers. Assuming the Conference will last four weeks (estimated dates 11 August to 7 September), that it will hold four meetings a day and work in four languages, the additional costs involved are estimated as follows:

	Dollars (US)
(a) Travel and subsistence of Headquarters staff..	9,000
(4 substantive and 17 technical staff members— This estimate is proposed at a reduced amount only on the assumption that technical staff already in Geneva to service the eighteenth session of the Economic and Social Council would remain there, thus avoiding double transportation costs).	
(b) Temporary assistance in Geneva	32,300
TOTAL	41,300

Item (a) above would be an additional charge in Section 3, in the amount of \$9,000. The balance of \$32,300 would fall as an additional charge in Section 20 (see paragraph 13).

5. The Economic and Social Council at its 707th plenary meeting decided to convene the Sub-Commission on Prevention of Discrimination and Protection of Minorities, previously tentatively scheduled to meet in September 1953, as early as possible in 1954 (see also

resolution 502 (XVI)). At its 749th plenary meeting, the Council, when approving the calendar of conferences for 1954, provided specifically for a meeting of the Subcommittee for a period of four weeks (estimated dates 4-29 January 1954).

Assuming a session of such duration at Headquarters, the costs involved are estimated as follows :

	Dollars (US)
Travel of twelve members	7,800
Subsistence of members	10,000
Travel and subsistence for representative of the Commission on the Status of Women ..	950
TOTAL	18,750

A budget provision estimated at the above sum is required in Chapter XI of Section 3.

6. A further modification of the Secretary-General's original estimates (A/2383) arises from adoption by the Council of the 1954 calendar of conferences. Pursuant to General Assembly resolution 694 (VII), the Secretary General included in Section 3, Chapter XII, of the 1954 estimates, a sum of \$6,200 to provide for travel of staff from Headquarters for one Commission, and their subsistence for a period of five weeks plus travel time ; and in Section 20, Chapter I, a sum of \$35,000 to provide temporary assistance at Geneva for a period of five weeks. The proposal that only the Statistical Commission should meet in Geneva in 1954 for a period of three weeks, enables reductions to be made in the 1954 estimates :

	Dollars (US)
Section 3 (Chapter XII) may be reduced by	2,200
Section 20 (Chapter I) may be reduced by	14,000

In paragraph 62 of its report on the 1954 estimates (A/2403), the Advisory Committee proposed a reduction of \$2,200 in Section 3, Chapter XII. The Committee's recommendations regarding Section 20 are not yet known ; paragraph 13 below takes into account a possible reduction of \$14,000 in that section in view of the action noted above.

7. At its 705th plenary meeting the Council decided to defer consideration of the Report of the Rapporteur on Freedom of Information. The President subsequently advised the Council (718th plenary session) that the Rapporteur was willing to present his report at the seventeenth session. It was so agreed. Resolution 231 (III) of the General Assembly provides that appropriate transportation and subsistence payments would be debited to the budget to facilitate the attendance of a Rapporteur during the discussion of his report. Maximum foreseeable expenditures for that purpose are estimated at \$1,750. The Secretary-General proposes the inclusion of a sum in that amount under Section 3 (Chapter I) of the 1954 budget (A/2383).

8. By its resolution 462 A (XV), the Economic and Social Council decided to increase the membership of the interim Co-ordinating Committee for International Commodity Arrangements from three to four. Chapter XIII of Section 3 of the 1954 budget estimates provided \$3,100 for a meeting of the Committee in Geneva for a period of 14 days. It is estimated that an additional amount of \$930 may be needed to cover the travel (\$650) and subsistence (\$280) of the new member.

SECTION 10 : DEPARTMENT OF ECONOMIC AFFAIRS

9. Part G of resolution 468 (XV) of the Economic and Social Council on the report of the sixth session of the Transport and Communications Commission deals particularly with the question of "transport of dangerous goods". It requests the Secretary-General to

appoint a committee of not more than nine qualified experts from countries having a substantial interest in the question, to study in detail matters concerning the international transport of dangerous goods (representatives of appropriate international organizations participating in the Committee work in a consultative capacity), and to present a report to the Transport and Communications Commission.

Assuming a meeting at Headquarters for a period of 25 days during 1954, (tentative dates 17 May to 11 June), estimated costs would be as follows :

	Dollars (US)
(a) Travel and subsistence of experts (nine experts)	13,800
(b) Travel and subsistence of staff (one substantive staff member from Geneva)	1,200
TOTAL	15,000

Such costs would fall as an additional charge to Section 10, Chapter II, of the 1954 budget. It is expected that a second meeting of the Committee of Experts would have to be held in 1955 and possibly a third meeting in 1956, before the task assigned to the Committee is accomplished. In this event, provision will be requested in a similar amount in the budget estimates for those years.

10. In adopting resolution 487 (XVI) on Restrictive Business Practices, the Economic and Social Council decided to resume consideration of this question not later than its nineteenth session in the light of additional studies. The resolution requests the Secretary-General, after he has circulated for comment the report of the *Ad Hoc* Committee on Restrictive Business Practices to Member States, specialized agencies in the economic field and interested inter-governmental and non-governmental organizations, to circulate to the foregoing such comments as he may receive together with such analysis as he deems appropriate. The resolution further requests the Secretary-General to proceed to implement paragraph 6 of resolution 375 (XIII) of the Economic and Social Council when a sufficient number of governments have commented on the Committee's report and to continue to follow, on the basis of information obtained from governments, the principal legislative, judicial, executive and administrative developments in this field. Prior to its nineteenth session, the Secretary-General must provide the Council with an appropriate summary of relevant information regarding restrictive business practices in international trade which may be contained in official government documents. To implement this work-programme the Secretary-General will continue to assign to it existing staff of the Departments of Economic Affairs and Legal Affairs, supplemented by a senior professional officer for a period estimated at six months' duration in 1954, and minimum additional secretarial and clerical assistance, to be provided on a consultant or temporary assistance basis. The Council was informed that it might be necessary to spend a sum of the order of \$14,100, not covered in the estimates, during 1954. While seeking authority to incur expenditure of that order during 1954 to fulfil the assignment, the Secretary-General does not propose to request a specific supplementary appropriation for the purpose. He proposes to adjust work on the full programme of the Department in such manner as to keep within the revised total appropriation.

SECTION 11 : DEPARTMENT OF SOCIAL AFFAIRS

Section 18 (Chapter VII) : Travel on Official Business

11. Resolution 477 (XV) of the Economic and Social Council, dealing with the question of the United Nations Narcotics Laboratory, requests the Secretary-

General to appoint an international committee of three chemical experts to advise the Commission on Narcotic Drugs whether methods to determine the origins of raw opium by chemical or physical means have been developed to a point where they can be given practical application in the international field. Assuming that the three chemists came from America, Asia and Europe, the cost of the committee meeting at Headquarters for a period of five days would be limited to travel and subsistence only, in an amount estimated at \$3,000. (Travel : \$2,625 ; subsistence for five days : \$375).

12. Resolution 496 (XVI) of the Economic and Social Council, programme of concerted practical action in the social field of the United Nations and the Specialized Agencies, authorizes the Secretary-General to take early action, on an experimental basis and at the request of governments concerned, to convene one or more small groups of senior policy-making representatives to plan, together with representatives of United Nations and the Specialized Agencies, concrete programmes for expansion of community development. Assuming it would be possible to hold the meetings in a regional office of the United Nations or one of the Specialized Agencies where technical staff is available and at a time which would not conflict with major meetings in such offices, additional expenditure for the United Nations might be limited to travel and subsistence costs for two staff members per meeting. Governments participating would be expected to pay for the travel and subsistence costs of their representatives, but to make it possible for senior policy-making representatives to participate, the meetings should be held in the geographic region most convenient for a group of countries having similar social and economic problems, and the length of each meeting should not exceed two weeks. The Secretary-General would propose that two such meetings be held during 1954, travel costs of staff approximating \$2,000 in one case, and \$3,000 in the other. While seeking authority of the General Assembly to plan such meetings and incur expenditure of the order noted, the Secretary-General does not propose any increase in the funds included in the budget estimates in Section 18 for travel on official business during 1954.

SECTION 20 : EUROPEAN OFFICE OF THE UNITED NATIONS

13. In accordance with the foregoing, the estimates for Section 20 are modified as follows :

	Dollars (US)
(a) Increase in Chapter I (Temporary Assistance) in respect of the Conference on Customs Formalities, etc. (Ref. paragraph 4 above)	32,300
(b) Decrease in Chapter I (Temporary Assistance) in respect of Programme of Conferences in 1954 (Ref. paragraph 6 above)	(14,000)
Net additional increase	18,300

SECTION 23 : ECONOMIC COMMISSION FOR LATIN AMERICA

14. By its resolution 485 (XVI) the Economic and Social Council endorsed the priorities allocated to the individual work projects by the Economic Commission for Latin America (ECLA) at its fifth session.² The Commission recommended, in four specific fields, priority studies which are not covered in the original estimates.

Some of this work is of a continuing nature ; for this purpose an increase in established posts is proposed ; other work planned to be undertaken during 1954 could best be performed by consultants with a consequent increase in expenditure under that heading. After careful review, and making due allowance for delay in recruitment of staff, it is considered that additional sums will be needed in the budget to undertake the specific work projects, in the following amounts :

	Established Posts	Consultants Dollars (US)	Total
<i>Iron and steel industries</i>			
Established posts (1 First Officer post)	8,115		
Consultants (10 man months at \$1,000 per month)		10,000	
			18,115
<i>Paper and pulp industries</i>			
Established posts (1 Second Officer post)	6,500		
Consultants (11 man months at \$1,000 per month)		11,000	
			17,500
<i>Heavy chemical industries</i>			
Established posts (1 First Officer post)	8,115	—	
			8,115
<i>Intra Latin American trade studies</i>			
Established posts (1 Second Officer post and 1 Associate Officer post)	11,630		
Consultants (8 man months at \$1,000 per month)		8,000	
			19,630
TOTAL	34,360	29,000	63,360

The above proposals would increase the professional establishment for ECLA from 52 posts recommended in the original estimates (A/2383) to 55 posts : 51 such posts were authorized for 1953.

It should be observed that the estimate of financial implications for additional work in 1954, originally advised to the Commission, was \$112,190.³ In the light of the total of the 1954 estimates for Section 23, the Secretary-General undertook a more detailed examination of additional requirements for ECLA and reached the conclusion that it would be possible to reduce such requirements to a total of \$63,360 as noted above.

Summary

15. The net increases in the above proposals would fall in the various budget sections as follows :

	Dollars (US)
Section 3	28,230
Section 10	15,000
Section 11	3,000
Section 20	18,300
Section 23	63,360
	127,890

Miscellaneous Income

16. The above supplementary estimates include a total amount of \$81,660 for salary payments. Income from the application of staff assessment to these payments is estimated at \$14,000. It is proposed that the miscellaneous income estimate for 1954 be increased by that amount.

17. Under the terms of General Assembly resolution 533 C (VI) the Secretary-General circulated to the sixteenth session of the Economic and Social Council a

² Ibid.: Sixteenth Session, Supplement No. 3.

³ Ibid., part V.

statement of work programmes and costs of the economic and social activities of the United Nations (E/2448 and Add.1). The cost figures by main fields of activity, based on the original 1954 estimates which were included in the statement are also shown in Information Annex II

to the budget estimates for 1954 (A/2383/Add.1). For the convenience of members, there follows an enumeration of the totals for each main field of activity, together with the additional sums noted in the above revised estimates pertaining to specific fields.

RECAPITULATION

Activity	Original Amount	Supplementary Amount	Additional Activities
			<i>Dollars (US)</i>
1. Economic and Social Council	425,200	1,750	Attendance of Rapporteur on Freedom of Information at XVIIth session of the Economic and Social Council
2. Technical Programme	1,779,600		
3. High Commissioner for Refugees	749,000*		
4. Statistics	1,067,400		
5. Regional Economic Activities	4,400,700	63,360	ECLA priority studies on Iron and Steel Industries, Paper and Pulp Industries, Heavy Chemical Industries and Intra Latin American Trade Studies
6. Economic Stability and Development	1,212,100	930	Appointment of Fourth Member of the Interim Co-ordinating Committee for International Commodity Arrangements
7. Fiscal Matters	225,200		
8. Transport and Communications	317,600	56,300	Conference on Customs Formalities related to the temporary transportation of motor vehicles—(\$41,300); Expert Committee on international transport of dangerous goods; (\$15,000)
9. Social Welfare	944,900		
10. Population	373,600		
11. Human Rights	614,100	18,750	Sub-Commission on Prevention of Discrimination of Minorities
12. Narcotic Drugs	462,500	3,000	Committee of three chemical experts
13. Cartography	57,800		
	<u>12,629,700</u>	<u>144,090</u>	
Deduct		<u>16,200</u>	Reduction applicable to the Administrative and General Services of the European Office and to travel of staff of the Economic and Social Council Commissions
TOTAL		<u>127,890</u>	

* Increased by \$63,000 to \$812,000 (A/C.5/540).

DOCUMENT A/C.5/544/Rev.1

Statement by the Secretary-General at the 379th meeting of the Fifth Committee on 30 September 1953

[Original text : English]
[5 October 1953]

I believe that in line with this Committee's past practice, the main purpose of my appearing before you today is formally to present, for your consideration, the Secretary-General's budget proposals for the coming financial year. This I shall proceed to do. But first, may I formally present myself. The Fifth Committee is doubtless well accustomed to seeing the Secretary-General on the witness-stand. But for me it is a new, though welcome, experience. I shall look upon this as but the first of many such appearances and the beginning of what

I hope will become a close, friendly and fruitful collaboration throughout this and succeeding sessions of the General Assembly.

I am well aware that, over the years, the Fifth Committee has built for itself a reputation for solid and successful accomplishment. As your Chairman has so rightly pointed out, you are faced, this year, with a long and difficult agenda. But this is not a new or unique experience for the Fifth Committee, and I, for one, am confident that the challenge will be met. To this end,

all the help I can give the Committee personally, or through the services and facilities of the Secretariat, will be offered freely and without reservation. Nor would I consider my obligations properly or sufficiently discharged simply by assuring — if I may so describe it — the Secretariat's "passive co-operation". I would rather conceive the role of the Secretary-General in your deliberations as having a much more positive purpose. It seems to me, in fact, that as the representatives of Member Governments responsible to the General Assembly for vital administrative and budgetary decisions, you are entitled to expect from your chief administrative officer a readiness to volunteer any information which he deems pertinent to a point at issue; any opinion or observation which, on the basis of his knowledge and experience, he believes should be weighed carefully in the balance; any suggestions or recommendations which, in the light of the discussion as it develops, offers, in his judgment, a possible basis of agreement.

There are, of course, certain questions relating particularly to the day-to-day administration of the Secretariat which I would venture to suggest can best be resolved by the Secretary-General, acting under the authority conferred on his office by the Charter and in accordance with policies and procedures laid down by the General Assembly in its various regulatory enactments. The Committee will not, I trust, misunderstand my motives if I express the hope that any representations which I might see fit to make with regard to such questions will be assured of its most careful and serious consideration.

There are other questions involving broad policy decisions with respect to which the initiative must rest largely, if not exclusively, with Member Governments. It is with such problems that you will be preoccupied for the most part, and it is in connexion specifically with those which raise important issues of budget and personnel policy that the Secretary-General will be looking to this General Assembly for much-needed assistance and advice.

In the light of these preliminary remarks, may I now address myself to the question of the appropriations which should be authorised for 1954, the ninth financial year of the United Nations.

There is little I can usefully add, at this stage, to the information given in the budget text, though doubtless many questions will arise in the course of ensuing discussions to which I or my representatives will respond as fully, as frankly and as honestly as we can. There is one question, however, the answer to which you are probably awaiting with understandable impatience—namely "What is the Secretary-General's attitude towards the recommendations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its first report of 1953". I shall briefly explain my position in a moment; but in order not to try your patience unduly, I can state here and now that, for my part at least, there is no reason to anticipate any serious difficulty or delay in reaching agreed conclusions, on the basis of the documentation before you. The Secretary-General, no less than the representatives of Member Governments, is greatly indebted to the Chairman and members of the Advisory Committee for the work they have so conscientiously carried out during a long and arduous summer session, both here and in Geneva.

Members will recall that in the budget foreword I indicated the main considerations which conditioned my approach to the preparation of next year's estimates. I stated that upon taking over my duties as Secretary-General my first order of business was to embark upon as detailed and thorough a study as time permitted of anticipated budgetary needs and related financial matters.

I intimated that this task had been approached with the overriding objective in mind of reconciling the needs of the work to be performed with those standards of efficiency and economy the General Assembly has so insistently demanded. I also pointed out that in preparing the 1954 estimates I had sought to maintain existing lines of administrative policy and that major changes could not safely be initiated pending further careful study if the results achieved were to rest upon a sound and solid foundation. I shall have more to say on this particular problem in a moment. Meanwhile, I would call attention to the fact that, on the basis of the estimates presented by the Secretary-General, proposed gross expenditure in 1954 will total \$48,123,400. With income proposed at a figure of \$6,463,200, the net budget as presented amounts to \$41,660,200. The seventh session of the General Assembly appropriated a net budget for 1953 of \$42,089,500. The 1954 net total thus stands at a sum of \$429,300 less than that approved for the current year.

These estimates, however, have in the meantime been examined in great detail by the Advisory Committee which recommends an over-all reduction of \$843,000 (exclusive of the estimates for the European Office and the International Court of Justice on which it will be reporting separately), and an increase of \$260,000 in the estimate for miscellaneous income. The effect of these recommendations would therefore be to reduce the gross budget from \$48,123,000 to \$47,279,600 and the net budget from \$41,660,200 to \$40,557,200. The facts on which these summary figures are based are set forth in the Information Annexes to the Secretary-General's budget estimates and in the first report of 1953 of the Advisory Committee, both of which documents will comprise the basic working texts for the Fifth Committee's consideration of this item.

I am well aware of the confidence which the Fifth Committee has in the advice it receives from Mr. Aghnides, Chairman of the Advisory Committee on Administrative and Budgetary Questions, and his hard-working colleagues. I know that the soundness of this advice has justified the high respect which representatives in the General Assembly have always accorded to the Advisory Committee's recommendations. I can well appreciate that this should be so. I, too, share that respect, not only because the Advisory Committee is in a position to be a very real help to the Secretary-General, no less than to the General Assembly, but because I have realized also, in establishing my first contacts with the Committee, that its deliberations are thorough, its enquiries searching, and its conclusions objectively presented.

I have no doubt that the recommendations which the Advisory Committee has submitted for your consideration and approval in its report on the 1954 estimates are based upon substantial reasons. They are certainly based on careful study, judging by the amount of supplementary information furnished by the Secretariat in response to the Committee's request, and in response also, I would like to add, to the desire on the part of myself and my colleagues to facilitate in every way possible a completely frank exchange of views in an atmosphere of full mutual confidence. I am convinced that only in this way can the review procedures we have established yield the best results. After all, the interests of the Secretariat and of Member Governments are, in the long run, identical. We are pursuing the same aims, even though, as a result of separate statutory functions, the Advisory Committee and the Fifth Committee, on the one hand, and the Secretary-General, on the other, may sometimes appear to occupy different sides of the table.

While I believe that the estimates as originally

submitted represent a conscientious and informed effort to gauge the needs of the Organization for the coming year, I recognize that there will always be differences of opinion regarding budgetary matters. I am, therefore, well content to let the Fifth Committee, without any special pleading on my part, come to its own conclusions as to what should be, in the light of all the circumstances, a suitable level of appropriations for 1954. I would not, of course, want this Committee to be under any misapprehension as to my readiness to supplement, as the Committee may require, the information provided in the budget document, or as to my willingness, to the fullest extent possible, to inform members at this session of how I would set about to administer the financial affairs of the Organization within the total appropriation agreed upon.

With the Committee's consent, I would like, at this point, to touch briefly on certain other items on its agenda which have important budgetary implications. My purpose in so doing will be to give you as full a picture as can be given at this time of present and anticipated financial needs, and perhaps to anticipate some of the questions you will undoubtedly wish to address to me at an early stage of your deliberations.

First, in connexion with the supplementary estimates for 1953, I intend to submit as early as practicable, probably during the latter part of October, as accurate an appraisal as possible of total requirements for the current year. As in previous sessions, this statement will provide details of the effect on the budget of actions taken under General Assembly resolutions relating to unforeseen and extraordinary expenses and to the Working Capital Fund. By far the most significant item, however, affecting the level of the 1953 supplementaries will be for income-tax reimbursement—a matter to which the Advisory Committee in its report on the budget estimates has given special attention. I fully share the concern of the Advisory Committee in this matter. My predecessor, in conformity with General Assembly resolutions, called repeatedly on Member Governments to ratify the Convention on Privileges and Immunities. I, myself, am addressing a further communication to the United States Government which, of course, is especially concerned in view of the location of the Headquarters in this country, calling attention to the comments of the Advisory Committee and urging that all possible remedial steps be taken.

I expect that the Committee may at this point be interested to hear my view as to the most appropriate manner of financing the cost of compensation to Staff Members who have been terminated and to whom the Administrative Tribunal has ordered the payment of indemnities in lieu of reinstatement. In this connexion it may also be appropriate for me to give you a brief indication of the legal and administrative principles on the basis of which I feel that I must proceed.

As chief executive officer of the United Nations, I consider myself bound by the findings and decisions of the Administrative Tribunal which the General Assembly itself established. Thus, I have to submit to the General Assembly a request for such supplementary appropriations as are required for payment of the compensations decided upon by the Tribunal. In so doing, I must be guided by the fact that the Administrative Tribunal was set up in order to avoid the Organization being placed in a position, in the event of a conflict with its employees, of having to act both as a party and a judge. My mind is open as concerns the way in which—with full recognition of the essential importance of this principle for the future—the administrative and legal system of the Organization should be developed.

So that the Committee may have a better concept of overall requirements for 1954, I feel it is incumbent upon me to state here and now that there is every expectation of being able to complete the Headquarters construction programme without recourse to the last million dollars—that is to say, the sixty-eighth million—which has been authorized, but not yet appropriated. It is even possible that some of the sixty-seventh million may be returned unspent. The Committee will, I trust, understand that I cannot be precise about this at the moment, nor will I be able to make a final report and accounting at this session because of unavoidable construction delays that have occurred during the past twelve months. I should, however, mention that the expected saving on the original building programme may be partially offset by another item of construction, provided the Committee agrees. Serious consideration is being given to the possibility of requesting a supplemental appropriation for the enlargement of the dining-room and cafeteria and the installation of better means of access thereto. The initial cost of this enlargement may run somewhat over \$500,000, but it should not be forgotten that this would be in the form of an investment since the dining-room and cafeteria represent a revenue-producing undertaking.

I suspect that the Committee is also most anxious to receive some indication of my intentions regarding the further reports that have been promised on personnel policy and on reorganization of the Secretariat. As regards reorganization, I regret that, for reasons which I am sure the Committee will readily appreciate, it has not been possible for me to comply fully with the terms of the resolution 708 (VII) adopted by the General Assembly at its last session. The Committee can be assured, however, that I understand and sympathize with the widespread desire that has been manifested for early and effective action. I am satisfied, on the basis of my relatively brief acquaintance with the internal structure and functioning of the Secretariat, that a measure of stream-lining can be undertaken, provided we can successfully develop a greater degree of elasticity which alone will make it possible to carry the same burden more economically. To this end I have been gathering together a very great amount of detailed information. This information is currently being surveyed in the light of the many previous comments and suggestions made in the Fifth Committee, and by the Advisory Committee and others, regarding the ideal structure of the Secretariat. I expect, in the course of the present session, to be able to present some concrete proposals. It is my expectation that these proposals will point in the direction of economy as well as greater efficiency. Under the circumstances, however, I feel that the Committee can only proceed meanwhile with its consideration of the 1954 budget estimates on the basis of the reports and recommendations before it, taking account at a later date of whatever further reductions may be possible. The Committee will, I hope, understand why, considering the many heavy responsibilities that have fallen upon me during my brief six months of office, it is difficult to be more specific at this time.

In accordance with the decision of the seventh session of the General Assembly the report on the personnel policy which I have to present to the eighth session of the General Assembly will be preceded by consultations with the specialized agencies and with the Advisory Committee. Arrangements have been made for the necessary consultations with the specialized agencies to take place next week when the executive heads of the various agencies will meet here with the Administrative Committee on Co-ordination. These consultations will have to be followed by a reconsideration from my side

of the various personnel problems confronting us. I hope to be able to report on the matter at the end of October. The Fifth Committee will certainly understand that at the present stage it would neither be appropriate nor possible for me to spell out in detail what proposals seem to me to be called for by way of modifications and improvement in existing personnel policies and procedures. Let me only say that I am trying to find a way whereby it will be possible on the one hand to give the staff member greater safeguards against arbitrariness than he may be considered as having at present, while on the other hand defining the type of case in which the decisions of the Secretary-General on personnel matters necessarily have to be taken in the light of circumstances which do not lend themselves to exhaustive legal definitions and which thus call for the exercise on his part as chief executive of the United Nations of a certain margin of discretion.

No review—however cursory—of the Organization's financial situation can be considered sufficiently complete without some reference to the all-important question of contributions.

Since the financial stability of the United Nations is so directly linked with the question of early payment of contributions, the Fifth Committee at its last session appointed a Working Party to discuss with Members the extent to which their contributions for 1953 might be paid during the first half of the year.

From the replies it received, the Sub-Committee indicated that 27.29 per cent of the total contributions might be received prior to 30 June; the amount actually collected was 25.12 per cent. There was a slight improvement by comparison with the first six months of 1952 when only 22.57 per cent of the assessment was collected, but the 1953 experience was nevertheless a little below expectation. By 15 September 1953, 78.97 per cent of contributions to the current year's budget appropriations had been collected. The corresponding percentage up to a similar date for 1952 was 68.46.

The Committee is well aware of the relationship between the date of payment of contributions and the level of the Working Capital Fund. Much has been said and written about it in previous years and it needs little further emphasis on my part.

The Committee's decision to raise the level of the Fund to \$21.5 million has been well justified, for without resources of that order we could have found ourselves in a difficult position.

The facts (which you will have an opportunity of reviewing in due course) continue to show, I regret to say, that at certain periods of the year the actual cash level of the Fund gives cause for serious concern.

Consequently, I shall be recommending to the General Assembly that, as a minimum provision, the Working Capital Fund be increased, as of 1 January 1954, to \$22 million, by transferring a sum of \$500,000 from the surplus at 31 December 1952. This action would be essentially a measure to afford a more adequate margin of funds for budgetary expenditures during the year 1954.

That, I believe, completes the several matters of which I thought the Fifth Committee would wish to be informed prior to its consideration of the problems of the 1954 budget. In concluding, may I express the thought that everybody who has played some part, however modest or inconspicuous it may have been, in building the Organization that has emerged since San Francisco, and in carrying forward its day-to-day activities, is entitled to feel a measure of pride in what has been accomplished. They have helped to create an organization whose potentialities are far from having been fully tested. Under the guidance of my predecessor a Secretariat has been developed whose capabilities and vigour have, I think, been amply demonstrated to those who have had occasion to serve in the General Assembly and in the Councils and Committees of the United Nations.

This is not to suggest, however, that any of us, either as officials of the Secretariat or as representatives of Member States, or as experts serving in an advisory capacity, can or should be satisfied with the results so far achieved.

Because satisfaction can too easily become complacency, and complacency would assuredly wreck our present efforts and our future hopes. Therefore, the essential responsibility of this Committee, as I see it, is to be constantly on the alert, in appraising budgetary needs and reviewing administrative, financial and personnel policies, for ways and means of improving on past performance. I consider it to be the duty of the Secretary-General to join with you in this continuing endeavour to the end that the United Nations may become an ever increasing vital and effective instrument in the carrying out of the purposes for which it was conceived.

DOCUMENT A/C.5/549

Grant to the United Nations International School: report of the Secretary-General

[Original text: English]
[3 November 1953]

1. At its 391st meeting the Fifth Committee decided to review the estimates for section 17 on a provisional basis and to consider item (iv) in Chapter III (Grant to the International School) at a subsequent meeting. The Secretary-General now wishes to confirm the request contained in his budget estimates for the financial year 1954 (A/2383) that a sum equal to the amount appropriated for 1953 be granted to the International School toward rental of premises, in view of the fact that the financial situation on which the General Assembly authorized the grant in 1953 is expected to persist in 1954.

2. It will be recalled that when the Secretariat moved from Lake Success to Manhattan, the International School lost its rent-free premises. Subsequently,

in 1952, the General Assembly approved a grant-in-aid of \$8,460 covering a period of 18 months, towards alleviating financial difficulties of the School after it moved to Parkway Village. Similarly, for the year 1953, an amount of \$7,400 was approved.

3. A report on the operation, financing, and future plans of the School was made to the General Assembly in the course of its seventh session (A/C.5/524 and Add.1). The statement now presented describes the anticipated financial position of the School for the year 1953-1954. Detailed information on the operation and plans of the School, bringing up to date the material contained in the report to the seventh session, is presented in the annex to this paper.

FINANCIAL POSITION OF THE SCHOOL

4. The budget requirements of the School for 1953-1954 are given below :

	<i>Estimate</i> Dollars (US)
Salaries :	
Director	8,000
Staff: 16 educational \$59,000, 6 housekeeping 12,000	71,000
	79,000
Rental	10,500
Food	8,500
Supplies, equipment and services	8,000
Building conversion	2,000
	20,000
TOTAL	108,000

5. The above represents an increase of about 32 per cent over the requirements for the previous year. The continuous growth of the School is reflected in the following factors :

(a) The capacity of the School has been increased by about 44 per cent from 117 to 168 enrolments, as compared with last year. This covers the anticipated opening of the new fifth grade in addition to which the present enrolment pattern required two kindergarten groups and two first grades. Thus two new teachers were added to the staff.

(b) The increased enrolment of French speaking children of varying ages necessitated the recruitment of an additional French teacher.

(c) Furthermore, the number of Spanish speaking children warranted the recruitment of a part-time Spanish teacher, thus achieving the tri-lingual character of the School.

(d) This meant that four new classrooms had to be added, increasing the rent from \$7,400 to \$10,500. There has been also a non-recurring expense of \$2,000 to convert two Parkway Village apartments for School purposes.

(e) As regards salaries it should be noted that the average salary of the teachers, now employed by the School, is less than \$4,000 per annum, which is below levels in the New York area. The salary scale of the School provides for an average annual increment of \$150.

6. The Board of Trustees has estimated that of the \$108,000 required for the coming year, and apart from that portion of the United Nations grant provided for the calendar year 1953 which relates to the school year 1953-1954, some \$89,300 can be considered as certain to be received from the following sources :

	<i>Dollars (US)</i>
Regular tuition fees	84,800
Annual membership fees	1,200
Initial admission fees	1,000
Miscellaneous income	2,300
	49,500
TOTAL	89,300

7. Concerning the revenue from tuition, it is to be noted that such revenue has been calculated on the basis of the capacity of present facilities (168 children, and an average tuition fee of over \$560) with a ten per cent over-all deduction to take account of vacancies due to home leave and transfers. The tuition fee per child for the year 1953-1954 is maintained as for 1952-1953, at \$580. This includes payment for a hot meal daily.

Reductions are made for a second or third child in the same family.

8. Of the remaining amount of \$18,700 required to finance the total budget of \$108,000, the sum of \$3,700 is available to the School as the second half of the United Nations 1953 grant. This leaves a balance of \$15,000 to be met by donations and grants. Therefore, the Secretary-General proposes the payment by United Nations of \$7,400 as a rental subsidy for the calendar year 1954; one-half of this sum (\$3,700) would apply to the school year 1953-1954 and the balance to the succeeding school year.

ANNEX

ADDITIONAL INFORMATION CONCERNING UNITED NATIONS INTERNATIONAL SCHOOL

(a) At present, the International School has a Nursery Division consisting of two nursery and two kindergarten groups, and a Primary Division of five levels, including two first grades. Children of twenty-three nationalities are being educated in the English, French and Spanish languages by a staff among which ten national cultures are represented. Members of the Board of Trustees are from ten nations of Europe, Latin America, North America, the Middle East and Asia. The close association of children and teachers and others of so many nations is one of the principal educational advantages of the School.

(b) The ratio of United Nations children (including delegations, Press and diplomatic corps) to non-United Nations children follows approximately the pattern of the Parkway Village community in which the School is located. Although the educational grant does not apply to children of pre-school age, 36 per cent of nursery division children are the younger brothers or sisters of primary grade children in the School. The composition of the higher grades (third, fourth and fifth) reflects most strongly the United Nations character of the School, where 75 per cent of the children are of United Nations families. Furthermore, in the fifth grade alone, of the 17 children, 6 have attended the School since its beginning, at Lake Success in 1947.

(c) A curriculum is being developed which is based on the United Nations International School's six years' experience in resolving differences in national curricula, pedagogical methods, national background, and languages. In this pioneer work, the School enjoys the support and assistance of many members of delegations, the United Nations Secretariat, as well as educators. Such a curriculum will permit children to obtain maximum advantage from their school experience in the host country; it will also prepare them for eventual return to educational institutions in their own or other countries.

(d) The average number of children in attendance was: 20 in 1947, 40 in 1948, 55 in 1949, 70 in 1950, 107 in 1952. At present 147 attend the School in addition to which other enrolments will become effective later in the year.

(e) The nationalities of children of members of delegations, accredited Press, and staff members now attending the School are as follows: 2 from Brazil, 4 from Canada, 2 from China, 1 from Costa Rica, 1 from Denmark, 2 from Egypt, 16 from France, 1 from Greece, 2 from Hungary, 1 from India, 2 from Iran, 5 from Japan, 4 from Mexico, 2 from the Netherlands, 2 from Peru, 2 from Poland, 10 from the United Kingdom, 9 from the United States of America, 4 from Venezuela and 7 from Yugoslavia. The children of families not connected with the United Nations are of 7 different nationalities.

(f) The acting director is of French nationality. Of the 15 other teachers now employed, 2 are French, 2 are British, 1 is British-Burmese, 1 is Chinese, 1 is Bulgarian and 1 is Mexican-Guatemalan. Of the remaining 7 teachers, who are United States citizens, 3 are native-born and 4 are of European origin.

(g) The \$200 education grant is given only to non-United States staff members who are internationally recruited and only in respect of children between 6 and 13 years of age.

As a result of distribution of children between nationality and age group, the grant is given to staff members only in respect of 36 children.

(h) The composition of the Board of Trustees of the International School for the current scholastic year is as follows:

Chairman: Mr. Benjamin Cohen (Assistant Secretary-General of the Department of Public Information).

Vice-Chairmen: Mr. G. Georges-Picot (Assistant Secretary-General in charge of the Departments of Economic Affairs and

of Social Affairs); Mr. A. Cordier (Executive Assistant to the Secretary-General); Mr. R. Bunche (Principal Director of the Department of Trusteeship and Information from Non-Self-Governing Territories); Mr. E. Rodriguez-Fabregat (Permanent Representative of Uruguay).

Members: Mr. S. Arnaldo, Mr. G. Brand, Mr. A. Gilpin, Mr. J. Koning, Mrs. H. Malinowski, Mrs. S. Rison, Mr. U. Roullier, Mr. P. Savary, Mr. P. Stursberg, Mrs. D. Tusty, Mr. E. Weissmann, Mrs. V. Zorn.

DOCUMENT A/C.5/550

Detailed estimates for section 5: Advisory Council for the Trust Territory of Somaliland under Italian Administration

[Original text: English]
[3 November 1953]

	Dollars (US)
1954 estimates	169,000
1953 appropriation	145,000
1952 expenditure	170,000

1. Resolution 289 (IV) of the General Assembly provided, *inter alia*, that Italian Somaliland shall be an independent sovereign State at the end of ten years from 2 December 1950, the date at which the General Assembly approved (resolution 442 (V)) the Trusteeship Agreement with Italy as Administering Authority.

Resolution 289 (IV) also provided that the Administering Authority be aided and advised by an Advisory Council composed of representatives of three Member States and having Headquarters at Mogadiscio.

2. Under the terms of General Assembly resolution 289 A (IV), section D, the Secretary-General is authorized to reimburse travel and subsistence expenses of one representative from each government represented on the Advisory Council and to provide the Council with such staff and facilities as the Secretary-General considers necessary to carry out the terms of the resolution.

3. On the basis of an establishment of a complement of staff of 14 as approved for 1953, the estimates for the continuation of the Council are:

	Dollars (US)
Temporary assistance	69,800
Travel and subsistence of members	26,600
Travel and subsistence of staff	46,000
Communication services	3,000
Rental and maintenance of premises	5,700
Stationery and office supplies	1,200
Maintenance and operation of transportation equipment	4,200
Freight, cartage and express	3,000
Insurance	1,000
Miscellaneous supplies and services	5,500
Furniture and fixtures	1,500
Alterations to premises	1,500

TOTAL 169,000

4. Under "Temporary assistance", provision is made for 18 locally-recruited staff, comprising one translator, one accounting clerk, one typist, five security guards, five drivers and five maintenance workers (\$13,200); for one economic affairs officer and for one *précis*-writer translator, internationally-recruited (\$16,200); and for replacements at Headquarters of staff detailed to the Advisory Council (\$40,400).

5. Under "Travel and subsistence of members", provision is made for subsistence allowance at \$20 per day, for 310 days (\$18,600) and for travel of three

members of the Advisory Council in accordance with 1953 experience (\$8,000).

6. Under "Travel and subsistence of staff", provision is made to cover:

(a) seven round trips at approximately \$1,500 for replacement of staff, and one round trip of the Principal Secretary to attend one session of the Trusteeship Council (\$12,000);

(b) subsistence of the Principal Secretary at the rate of \$20 per day for 121 days and \$360 per month for eight months (\$5,300);

(c) subsistence of thirteen staff members at daily rates of \$10 or \$7 for the first six months of service with the Mission and monthly rates of \$200 or \$135 for the remainder of the period of service, minus approximately 10 per cent for delay in assignment and absence from Mission area (\$28,700).

7. The Secretary-General requests that, in order to cover the activities of the Advisory Council for Somaliland in 1954, a credit of \$169,000 be approved under Section 5 of the 1954 Budget.

8. A total sum of \$10,000 is expected to accrue in 1954 as miscellaneous income from assessments to be levied on the salaries of the staff.

9. The above estimate is the first of a series to be submitted under Section 5 in substitution for the total provision of \$2,000,000 tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

ANNEX

MANNING TABLE

ADVISORY COUNCIL FOR THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

1953	1954	Post	Inter-nationally recruited personnel	Staff detailed from Headquarters
1	1	Principal Secretary	-	1
-	1	Political Affairs Officer ...	-	1
1	1	Economic Affairs Officer ..	1	-
1	1	Social Affairs Officer	-	1
1	-	Public Relations Officer ..	-	-
1	1	Administrative and Finance Officer	-	1
1	1	<i>Précis</i> -Writer Translator ..	1	-
1	1	Document Clerk	-	1
4	4	Secretaries	-	4
3	3	Field Service personnel ...	-	3
-	-		-	-
14	14		2	12

DOCUMENT A/C.5/551

Detailed estimates for section 5: United Nations Tribunal for Eritrea

[Original text: English]
[3 November 1953]

	Dollars (US)
1954 estimates	28,100
1953 appropriation	25,700
1952 expenditure	10,261

Rental and maintenance of premises	2,400
Miscellaneous supplies and services	3,500
TOTAL	28,100

1. Article XI of General Assembly resolution 530 (VI), dated 29 January 1952, established the Tribunal and provided, *inter alia*, that upon request of an appropriate authority the Tribunal give instruction on the implementation of the resolution and decide disputes between authorities; that the seat of the Tribunal be in Eritrea; that the requests for instruction or decision be presented by 31 December 1953; and that the Tribunal pronounce its decision on each such request within two years of the date of presentation. One such request has been received to date. More may be received before the deadline of 31 December 1953.

2. Continuance of the Tribunal for Eritrea for 1954 will entail the following expenditures:

	Dollars (US)
Temporary assistance	16,400
Travel and subsistence of staff (including judges)	5,800

3. Under "temporary assistance" provision is made for remuneration of three judges at \$2,000 (supplementing the amounts paid to them as members of the Tribunal in Libya), salary of registrar \$8,000 and local staff at \$200 per month, \$2,400.

4. The Secretary-General requests that, in order to cover activities of the Tribunal for Eritrea in 1954, a credit of \$28,100 be approved under Section 5 of the 1954 budget.

5. The revenue to derive from staff assessment applied to the salaries of the staff is estimated at \$1,500 for 1954.

6. The above estimate is another in the series currently submitted under Section 5 in substitution for the total provision of \$2 million tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

DOCUMENT A/C.5/552

Detailed estimates for section 5: United Nations Tribunal in Libya

[Original text: English]
[3 November 1953]

	Dollars (US)
1954 estimates	116,000
1953 appropriation	120,000
1952 expenditure	127,195

1. Article X of General Assembly resolution 388 (V) established the Tribunal in Libya. In its 368th meeting on 8 October 1953, the Sixth Committee approved a resolution which provides that the Tribunal continue to function in accordance with resolution 388 (V) and requested the Secretary-General, after consultation with the governments concerned regarding the continuation of the Tribunal's functions, to report on this question to the General Assembly at its tenth session.

2. Estimates for the continuance of the Tribunal in Libya in 1954 which include provision for three judges and nine supporting staff (as against twelve in 1953) are:

	Dollars (US)
Temporary assistance	90,000
Travel and subsistence of staff	22,000
Miscellaneous supplies and services	4,000
TOTAL	116,000

3. Under "Temporary assistance" provision is made for salaries of three judges at \$15,000 each, one registrar at \$7,800, three interpreter/translators at \$6,666 each. In addition, \$1,750 is included for typing and messenger service. Provision is also made to cover salaries of replacements at Headquarters for one Finance Officer at

\$5,750 and two secretaries at \$4,000 each plus 10 per cent for overlap periods at time of replacement, \$1,375. The Administrative Officer and the Finance Officer serve both the Tribunal and the Technical Assistance Mission in Libya. In order to share the costs, the cost of replacement of the Finance Officer only is charged to the budget of the Tribunal.

4. Under "Travel and subsistence of staff", provision is made for travel of judges—\$1,500, travel of staff on home leave—\$1,000, and travel of staff on replacement—\$2,000. Provision is also made for mission subsistence allowance of three judges (\$9,000) and of seven staff members (\$8,700).

5. The estimates for miscellaneous supplies and services which include all other items are based upon the pattern of expenditure for 1953.

6. The Secretary-General requests that in order to cover the activities of the United Nations Tribunal in Libya in 1954, a credit of \$116,000 be approved under Section 5 of the 1954 budget.

7. The Secretary-General draws attention to the fact that the Tribunal will have to decide in respect of company assets under dispute and may consider it necessary to engage consultants to examine the companies' books and present an independent opinion for consideration by the Tribunal. It is estimated that the cost of such services would amount approximately to \$15,000.

Should such services prove necessary, the Secretary-General would propose to meet the additional expense by an advance from the Working Capital Fund as an Unforeseen and Extraordinary Expense.

8. The revenue to derive from staff assessment applied to the salaries of staff is estimated at \$19,400 for 1954.

9. The above estimate is another in the series currently submitted under Section 5 in substitution for the total provision of \$2,000,000 tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

ANNEX
MANNING TABLE
UNITED NATIONS TRIBUNAL IN LIBYA

1953	1954	Post	Inter- nationally recruited personnel	Staff detailed from Head- quarters
3	3	Judges	3	-
1	1	Registrar	1	-
3	3	Interpreter/translator	3	-
2	2	Secretarial and clerical ...	-	2
3	0	Field Service personnel ...	-	-
—	—		—	—
12	9		7	2

DOCUMENT A/C.5/553

Detailed estimates for section 5: repatriation of Greek children

[Original text: English]
[3 November 1953]

	Dollars (US)
1954 estimates	5,000
1953 appropriation	15,000
1952 expenditure	25,131

1. General Assembly resolution 618 (VII) adopted on 17 December 1952 discontinued the Standing Committee on the Repatriation of Greek Children established by General Assembly resolution 382 C (V). It nevertheless requested the International Committee of the Red Cross and the League of Red Cross Societies to continue their work in Yugoslavia until all children have been repatriated.

2. Reimbursements to be made to the above-mentioned organizations for expenses incurred by them in 1953 in connexion with this work are estimated at \$7,000.

3. The Secretary-General believes that budgetary provision should be made to reimburse the International Committee and the League for similar expenses which may be incurred by them in 1954. However, on the basis of experience in the last months, it is proposed that a sum of \$5,000 only be appropriated for the purpose.

4. The above estimate is another in the series currently submitted under Section 5 in substitution for the total provision of \$2 million tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

DOCUMENT A/C.5/555

Revised estimates for sections 1 and 20: International Law Commission

[Original text: English]
[9 November 1953]

	Section 1	Section 20
	Dollars (US)	
Estimates approved by Fifth Committee (first reading)	533,600	4,619,500
Supplementary estimates now submitted	(2,500)	16,700
Revised estimates	531,100	4,636,200

1. As provisionally approved by the Fifth Committee at its 391st meeting in the course of its first reading of the 1954 budget, the estimates for Section 1 (Sessions of the General Assembly, Commissions and Committees), include a provision of \$57,600 for a ten weeks' session of the International Law Commission at Headquarters.

2. The Commission at its fifth session decided that its next session, in 1954, should be held in Geneva, Switzerland, for ten weeks commencing on 17 May 1954.

The Secretary-General consulted the Chairman of the International Law Commission and fully appreciates the reasons for the decision, which are set forth in the Commission's report (paras. 173 to 176 of A/2456). This decision, however, would entail an overlap of almost a month with the Economic and Social Council which is scheduled to open on 29 June 1954. In order to comply with the provision in General Assembly resolution 694 (VII) that the Commission could meet in Geneva only when the session could be held there without overlapping with the Summer Session of the Economic and Social Council, the Secretary-General now suggests that the Commission should meet in Geneva commencing on 3 May 1954, rather than on 17 May 1954, and that the session should be limited to eight weeks so as to conclude not later than 28 June 1954, and avoid an overlap with the Council.

3. The cost involved in convening a session of eight weeks duration at Geneva rather than at Headquarters is as follows :

	Dollars (US)
(a) Travel and subsistence of members	50,400
(This represents a reduction of \$7,200 on the original estimate which was based on a session of ten weeks duration.)	
(b) Travel and subsistence of staff	4,700
(Provision for travel (\$2,850) and subsistence (\$1,850) of three substantive officers from Headquarters to Geneva.)	
(c) Temporary assistance	16,700
(Taking into account the transfer of certain French translator posts to Geneva in 1954, the temporary staff requirements will be):	
Interpreters: 40 man weeks	10,400
English translator/précis-writers: 16 man weeks	2,400
English secretaries: 16 man weeks	1,300
French secretaries: 8 man weeks	600
Operators, distribution clerks, etc.	2,000
	16,700
TOTAL COST	71,800

4. The above costs would be divided between Sections 1 and 20 of the 1954 budget as follows :

	Dollars (US)
<i>Section 1 (Chapter IV) :</i>	
(i) Travel and subsistence of members	50,400
(ii) Travel and subsistence of staff	4,700
TOTAL	55,100
<i>Section 20 (Chapter I)</i>	
(i) Temporary assistance	16,700

5. The requirements under Section 1 represent a decrease of \$2,500 in the estimates for a session in New York, and the provisionally approved appropriation for that section can be reduced accordingly.

6. As to the \$16,700 relating to temporary assistance to be borne in Section 20 (European Office of the United Nations), the Secretary-General proposes that this amount be provided in addition to the appropriation for Section 20 which the Fifth Committee provisionally approved at its 397th and 400th meetings.

DOCUMENT A/C.5/556

Detailed estimates for section 5: Korean service medals

[Original text: English]
[9 November 1953]

	Dollars (US)
1954 estimates	343,000
1953 appropriation	300,000
1952 expenditure	150,824

1. General Assembly resolution 483 (V) of 12 December 1950 provides that medals and ribbons be awarded personnel who participate in Korea in the defence of the principles of the Charter.

2. In accordance with the above resolution, three contracts have been entered into for a total of 1,670,000 medals and ribbon equivalents.

The first of these contracts was entered into in 1951, and the second in 1952. Together they provided for a total of 1,170,000 medals and ribbon equivalents. Of this total, 1,094,400 medals and 1,170,000 ribbon equivalents have been delivered at a cost of approximately \$428,000, of which \$122,500 were paid in 1951, \$151,000 in 1952 and \$154,500 in 1953.

The third contract was entered into in 1953. It provides for 500,000 medals, together with 1 million bars and 105,000 yards of ribbon. As against that order, it is anticipated that not more than 80,000 medals and 400,000 bars will be delivered in 1953, and that the related cost (together with the cost of ribbon) will not exceed \$52,500.

3. Therefore, out of the 1,670,000 medals ordered to date, a total of 495,600 will remain undelivered at the end of 1953. (A surplus of \$93,000 in unspent funds is being surrendered in 1953.) It is estimated that, in addition to the above-mentioned 495,600 medals, a total of 1,168,800 medals and ribbon equivalents will be required to meet all entitlements to date.

4. On the basis of the present contract the costs involved would be as follows :

	Dollars (US)
1,664,400 medals at \$0.265 each	441,100
2,937,600 bars at \$0.0209 each	61,400
240,000 yards of ribbon at \$0.082 per yard	19,700
Shipping charges	4,000
TOTAL	526,200

5. However, as the contractor will not be able to deliver more than 980,000 medals in one year, the Secretary-General requests, under the 1954 budget, credits to cover the purchase of 980,000 medals only, as follows :

	Dollars (US)
980,000 medals at \$0.265 each	259,700
2,937,600 bars at \$0.0209 each	61,400
240,000 yards of ribbon at \$0.082 per yard	19,700
Shipping charges	2,200
TOTAL	343,000

6. It is the Secretary-General's intention to place an order for the remaining 684,400 medals as soon as possible. In case of delivery of part of this order during 1954, additional funds might be required. The Secretary-General therefore requests that the following paragraph be added to the draft resolution relating to unforeseen and extraordinary expenses: "such commitments, not exceeding a total of \$184,000 as are required for the purchase of Korean service medals".

7. The above estimate is another in the series currently submitted under Section 5 in substitution for the total provision of \$2,000,000 tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

DOCUMENT A/C.5/557

Estimates for section 19a : improvements to premises

[Original text : English]
[11 November 1953]

	<i>Dollars (US)</i>
1954 estimates	565,000
1953 appropriation	—
1952 expenditure	89,725

1. As indicated by the Secretary-General in his statement before the Fifth Committee on 30 September 1953, an appropriation is proposed in 1954 for the enlargement of the dining room and cafeteria and the installation of additional means of access thereto.

2. The need for increasing the capacity of the dining room and cafeteria has been apparent for some time, and has been particularly evident during the present session of the General Assembly. In the dining room the demand from the various delegations for reservations has been in excess of the seating capacities, even though restrictive measures have been in effect for members of the Secretariat, and the public has been entirely excluded during peak hours. In the cafeteria the serving and seating capacities have been found to be insufficient on many occasions during the General Assembly, and at other times of the year, especially on inclement days. On these occasions, the waste of staff time represents a considerable loss to the Organization.

3. The proposal for the enlargement of the dining room and cafeteria facilities entails an estimated expenditure of \$565,000 which estimate is made up of the following items :

	<i>Dollars (US)</i>
General construction	280,000
Mechanical installations (Heating, ventilating, plumbing, electrical)	125,000
Escalator	50,000
Furnishings and fixtures	50,000
Architects and engineers fees	60,000
TOTAL	565,000

4. The seating capacities would be increased in the following manner :

	<i>Present seating capacity</i>	<i>Improved seating capacity</i>
Dining room	278	402
Private dining rooms .	64	166
Cafeteria	410	608
TOTAL	752	1,176

5. A graphic plan showing the enlargement of the dining room and cafeteria is attached. The dining room would be extended on to the terrace, and seating capacity increased by 124. The private dining room facilities would be increased by :

(a) Moving the present private dining rooms on to the terrace, and using the space vacated for storage and the installation of ventilation ducts for the cafeteria service area ;

(b) The construction of a new private dining room adjacent to the main dining room in the area between the Conference Building and the General Assembly Building. This is essential in order to meet demands from delegations.

In the cafeteria, the additional space would be obtained by extending the present cafeteria area on to the terrace, thereby providing 198 additional seats. A new service counter would be installed to eliminate one of the principal causes of delay.

6. Additional facilities provided in the estimate are :

(a) Installation of an escalator and stairway opposite the elevator which serves the dining room to facilitate movement between the third and fourth floors ;

(b) Installation of appropriate check room facilities in the dining room area ;

(c) The location of a lounge adjacent to the private dining room area ;

(d) The rearrangement of the seating capacities for each table in the dining room and cafeteria in order to provide more space between tables ;

(e) Relocation of the ladies' rest room ;

(f) Extension of air conditioning and heating to enlarged area.

7. The full utilization of the expanded dining room can be assured by admitting private organizations and individual visitors to the extent that the facilities are not required for service to delegations, and a modest profit may be expected.

8. Accordingly, a provision is requested in the budget estimates for 1954 under Section 19a : Improvements to Premises, in the amount of \$565,000.

Roof deck area

Kitchen and service area

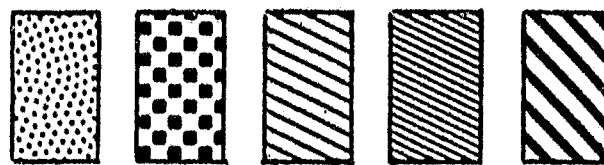
Existing delegates dining area

Addition to dining area

Existing cafeteria area

Addition to cafeteria area

Addition to service area



DOCUMENT A/C.5/558

Detailed estimates for section 5 : Military Observer Group in India and Pakistan

[Original text : English]
[11 November 1953]

	Dollars (US)
1954 estimates	581,200
1953 appropriation	680,000
1952 expenditure	780,498

1. At its 470th meeting on 14 March 1950, the Security Council adopted a resolution (S/1469) providing, *inter alia*, that the Governments of India and Pakistan should be requested to take all necessary precautions to ensure that their agreements regarding the "cease fire" continue to be fully observed. In view of the fact that the Security Council had taken no action to modify the resolution and that the problem is still before the Council, the Secretary-General considers it necessary that budgetary provision be made for 1954 for the organization established for the observance of the "cease fire" agreements which remain in force.

2. Estimates for the continuance of the Military Observer Group in India and Pakistan in 1954 are as follows :

	Dollars (US)
Temporary assistance	52,900
Travel and subsistence of observers	257,000
Travel and subsistence of staff	111,100
Communications services	2,400
Rental and maintenance of premises	8,400
Stationery and office supplies	2,400
Local transportation	3,600
Operation and maintenance of transportation equipment	15,600
Freight, cartage and express	11,100
Insurance	12,300
Miscellaneous supplies and services	16,200
Contractual support services	70,000
Transportation equipment	12,900
Miscellaneous equipment	5,300
TOTAL	581,200

3. Under "temporary assistance", provision is made for the salary of the Chief Military Observer (\$14,700), the Assistant Administrative Officer (\$8,700), two secretaries at \$2,800 each (\$5,600), and wages of local staff at an average total cost of \$600 per month (\$7,200). Provision is also made for replacement of staff members detailed from Headquarters (\$16,700).

4. Under "travel and subsistence of military observers", provision is made for subsistence at \$10 per day (as against \$12.50 paid until 1 August 1953) for 46 military observers and five aircrew members, less 10 per cent for delay in assignment (\$167,600). Provision is also made for travel on replacement on the basis of 47 return journeys at \$1,900 each (\$89,400).

5. Under "travel and subsistence of staff", provision of \$13,300 is made to cover return journeys between New York and Delhi for replacement of three administrative staff, two journeys Geneva/Delhi for two internationally recruited secretaries and for travel on transfer of field service staff. Provision is also made of \$97,800 to cover subsistence allowance for the Chief Military Observer, 31 married staff members and 16 single staff members. Staff members receive a mission subsistence allowance which varies with location and dependency status. Staff members with dependants

receive \$9.00 per day for the first six months then \$180 per month in India and Pakistan, and \$7.50 per day then \$150 per month in Kashmir. Staff members without dependants receive \$6.00 per day for the first six months then \$120 per month in India and Pakistan, and \$4.50 per day then \$100 per month in Kashmir.

6. Under "insurance", provision is made to cover staff members and observers during travel on chartered aircraft, liability insurance on motor vehicles, and third party claims.

7. Under "contractual support services", \$70,000 is provided to cover costs of rental of an aircraft on the basis of \$100 per day and \$100 for each flying hour with the exception of the first hour flown, at the rate of 30 flying hours per month.

8. Under "transportation equipment", provision is made for the replacement of seven jeeps which are beyond economical maintenance and repair by new jeep station wagons at \$1,850 per vehicle.

9. The estimates for all other items are based upon the pattern of expenditures for 1953.

10. The Secretary-General requests that, in order to cover the activities of the Military Observer Group in India and Pakistan in 1954, a credit of \$581,200 be approved under Section 5 of the 1954 budget.

11. Income to derive in 1954 from the activities of the Military Observer Group is estimated at \$14,400, of which \$8,800 will accrue from staff assessments and \$5,600 from the sale of seven vehicles.

12. The above estimate is another in the series currently submitted under Section 5 in substitution for the total provision of \$2 million tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

ANNEX

MANNING TABLE

UNITED NATIONS MILITARY OBSERVER GROUP IN INDIA AND PAKISTAN

1953	1954	Post	Staff detailed from Headquarters	Inter-nationally recruited personnel
1	1	Chief Military Observer ..	--	1
1	--	Acting Chief Military Observer*		
1	1	Administrative officer	1	--
1	1	Assistant administrative officer	--	1
1	1	Finance officer	1	--
2	2	Secretarial and clerical ...	--	2
42	42	Field service personnel ...	42	---
49	48		44	4

* Special post approved for three months.

DOCUMENT A/C.5/559

**Proposal to acquire and operate radio transmitters at the United Nations Headquarters and at Geneva :
report by the Secretary-General**

[Original text : English]
[11 November 1953]

1. Since March 1952, the United Nations Headquarters and the European Office have been connected by commercial teletype circuit rented for about 90 minutes per day, five days per week. In addition to telecommunications between Headquarters and Geneva, the teletype circuit carries cable traffic to and from other points. Thus, approximately 55 per cent of total United Nations traffic (some 1,900,000 words per year) flow over the New York-Geneva link.

2. On the basis of traffic from July 1952 through June 1953, the cost approximates \$48,500 per annum. Rental charges are apportioned monthly between Headquarters, Geneva and the other using agencies, on the basis of words transmitted and received. The portion falling on the United Nations budget is about \$30,500, of which \$24,000 is attributable to Headquarters and \$6,500 to Geneva.

3. In view of the cost and limitations of this existing arrangement, consideration has been given for some time to a less expensive and more efficient system. An offer has been received from a commercial carrier for the transmission and reception of UN traffic in New York. Conditions of the offer are as follows :

(a) The carrier to sell to the UN a used six-kilowatt transmitter, together with frequency shift keyer at a cost of \$10,100, this to include installations at the company's transmitting station on Long Island. Although the transmitter is considered "used", it is actually a completely rebuilt modern transmitter on a sixteen-year old chassis. It can be expected to give satisfactory service with ordinary maintenance for an indefinite period that may well extend beyond fifteen years.

(b) The company would contract to house, service, maintain and operate the equipment on a specified schedule of charges based on hourly rates. In addition, the same company would provide reception service at its own station on Long Island. The cost at the rates approved by the appropriate United States Government authority for both transmission and reception service, including cost of rental for connecting landlines at current New York telephone rates, would be approximately \$9,780 per annum. This estimate is based on 120 minutes a day, seven days a week transmission and reception service. Should the United Nations require additional time, a maximum of eight hours per day could be contracted for at a rate of approximately \$22,500 per annum.

(c) The United Nations would be responsible for repairs and parts estimated to cost approximately \$1,000 per annum.

4. The acceptance of this proposal would necessitate the purchase of a larger transmitter for the Geneva station, to ensure continuous, adequate and efficient communication between Geneva and New York under all conditions. A bid has been received, making the following offer :

(a) The purchase of a ten-kilowatt transmitter, its installation, and erection of necessary rhombic antennae, at a cost of \$38,000.

(b) The removal of the present receiving station to an area in the Palais grounds where interference is at

a minimum, at a cost estimated by the European Office at \$13,000.

(c) Rental of necessary connecting landlines and maintenance expenses are estimated at \$2,000 per annum.

Details of the total cost of necessary equipment and installations (\$61,100) and annual cost of operation (\$12,800) are shown in Annex I.

5. Such an installation would be comparable to and as efficient as any modern commercial undertaking. The proposed system could, should traffic grow appreciably, carry many times the present load with slight additional cost.

6. Acceptance of this proposal by the United Nations would be within the provisions of Section IV of the United Nations-United States "Headquarters Agreement", the pertinent parts of which read as follows :

"(a) The United Nations may establish and operate in the headquarters district :

"2. One point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programmes and inter-office communications ;

"(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters.

"(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district."

The Swiss Government has stated that it has no objection on legal grounds, and the International Telecommunication Union Secretariat has agreed to collaborate with the United Nations on technical matters concerned. The United States Government has been informed of the proposal.

7. As may be seen from the above, there would be a substantial saving in the proposed system after the initial outlay for equipment and installation. Compared to the present arrangement, which costs \$48,500 per year, the proposed system would require \$12,800 per year for operation and maintenance, or a saving to the United Nations and other using agencies of \$35,700. The United Nations budget would benefit to the extent of \$26,700 (\$17,700 in reduced appropriations and \$9,000 increase in miscellaneous income). Other users, principally United Nations programmes financed from voluntary contributions, would save \$9,000 per year.

8. If the project is approved, the 1954 budget estimates would require the following adjustments as explained in Annex II.

	Decrease	Increase
	Dollars (US)	
Section 18	13,200	
Section 19		10,100
Section 20		46,500
Miscellaneous Income		9,000

ANNEX I

INITIAL COSTS OF EQUIPMENT REQUIRED FOR ESTABLISHMENT OF PROPOSED NEW YORK-GENEVA UNITED NATIONS CIRCUIT

	Dollars (US)
Equipment to be purchased at New York:	
One 6-kilowatt used transmitter (installed) ..	8,850
One frequency shift keyer (installed)	1,250
Total cost of equipment at New York	10,100
Equipment to be purchased for Geneva station:	
One 10-kilowatt new transmitter, one receiver together with auxiliary equipment and parts	23,000
Installation of antenna, improvements to power feed lines and other engineering services ..	15,000
Total cost of new equipment	38,000
Relocation of receiving station in Geneva ...	13,000
Initial cost for establishment of UN Circuit	61,100

ANNUAL COST OF OPERATION—PROVIDING 2 HOURS PER DAY, 7 DAYS PER WEEK SERVICE

	New York	Geneva	Total
1. Contract rates for transmission service ..	5,400	—	5,400
2. Contract rates for reception service	1,500	—	1,500
3. Landline rentals	2,050	200	2,250
4. Equipment rentals	850	800	1,650
	<u>9,800</u>	<u>1,000</u>	<u>10,800</u>

5. Maintenance expenses, repairs, tubes and spare parts	1,000	1,000	2,000
6. Staff costs	—	—	—
TOTALS	<u>10,800</u>	<u>2,000</u>	<u>12,800</u>

ANNEX II

ADJUSTMENTS REQUIRED IN THE 1954 BUDGET ESTIMATES

	Decrease	Increase
<i>Section 18. Common costs</i>		
Cable telegraph and wireless. Cancellation of present teletype service	24,000	
Operation and maintenance of telecommunications equipment		10,800
TOTAL	<u>24,000</u>	<u>10,800</u>
<i>Section 19. Permanent equipment</i>		
Telecommunications equipment	—	10,100
TOTAL	—	<u>10,100</u>
<i>Section 20. European Office of the United Nations</i>		
Cable, telegraph and long distance telephones		
Cancellation of present teletype services ..	6,500	
Operation and maintenance of telecommunications equipment		2,000
Permanent equipment		
Telecommunications equipment		23,000
Improvement to premises		28,000
TOTAL	<u>6,500</u>	<u>53,000</u>
Miscellaneous Income		9,000

DOCUMENT A/C.5/562

Increase in the amount of the Working Capital Fund: note by the Secretary-General

[Original text: English]
[17 November 1953]

1. In my statement to the Fifth Committee on 30 September 1953 (A/C.5/544/Rev.1) I referred to the position of the Working Capital Fund, and indicated that on the basis of expectations at that time, I would be recommending to the General Assembly that the Fund be increased as of 1 January 1954 to \$22 million, such action being essentially a measure to afford a more adequate margin of funds for budgetary expenditures.

2. Subsequent to my statement to the Fifth Committee there has been a substantial improvement in the collections of arrears of contributions, as a result of which the outstanding balances on account of 1951 and 1952 have shown a reduction since that date of almost \$1 million. This reduction has, of course, an improving effect on the position of the Working Capital Fund, which I hope will be of a continuing nature; it leads me to the opinion that when we come to the difficult period of the months of May and June 1954, there is likely to be a correspondingly higher balance on hand, as compared with the figure of some \$2.7 million to which the resources in the Fund were reduced in the same period in 1953. Thus the immediate urgency of the problem has to some degree been dispelled.

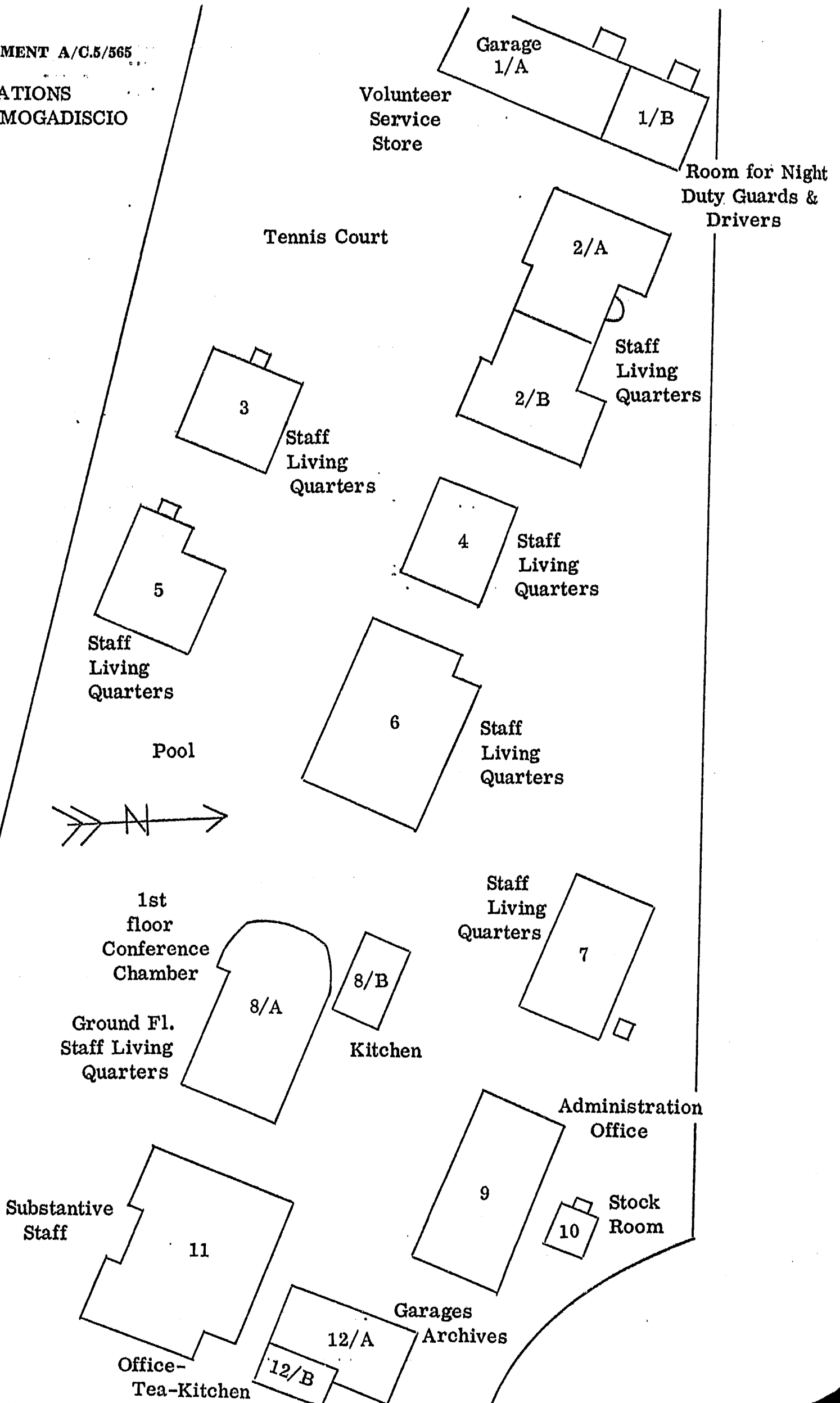
3. In view of these facts, and on the assumption that

this improvement in the record of collection of contributions will be maintained, I shall not make to this session of the General Assembly any recommendation for an increase in the Working Capital Fund. I shall nevertheless continue to give close attention to the problem, and shall make further proposals to the ninth session should the circumstances indicate a need for re-consideration.

4. I believe however that it would be appropriate at this time for me to inform the General Assembly as to my general views regarding the size of the Working Capital Fund. The Fund should, in my opinion, be of sufficient amount to ensure that at no time during the financial year will the available resources of the Fund fall below the amount required to meet the normal expenditures for at least one month (averaging \$4 million) plus a reserve of not less than \$1 million for purposes relating to the maintenance of peace and security; that is to say, a very minimum of \$5 million. The improvement in the expected position in May and June 1954 which I have assumed will take place goes only part of the way towards the attainment of this goal. I would therefore express the hope that the record of collection of contributions on which my present action is premised will not only be sustained but improved in future years.

ANNEX TO DOCUMENT A/C.5/565

THE UNITED NATIONS COMPOUND IN MOGADISCIO



DOCUMENT A/C.5/565

Revised estimates for section 5: proposal to purchase a compound for use by the United Nations Advisory Council for Somaliland under Italian administration

[Original text: English]
[25 November 1953]

	<i>Dollars (US)</i>
1954 estimates approved by the Fifth Committee (first reading)	150,000
Supplementary request	22,000
Revised estimates	172,000

1. The Advisory Council for Somaliland under Italian administration, established by resolution 289 A (IV) of the General Assembly to aid and advise the Administering Authority until 2 December 1960, on which date Somaliland is expected to become an independent sovereign State, has in accordance with the above resolution established its headquarters in Mogadiscio.

2. Since 1950, these headquarters have been established in a compound known as the Villaggio Roma, currently rented by the United Nations at \$4,500 a year. The compound is located one and a half miles from the centre of town on a plot of low ground close to the ocean in an area called the Lido. It comprises a large piece of ground of approximately 9,500 square metres, enclosed by a wall, on which there are ten buildings originally designed as civilian dwellings, as well as storehouses, a swimming-pool, a water-tank, a water-well and a few garages, as shown in the annex (see p. 22). The buildings are of stone, plaster and wood, equipped with running water and electricity, and they are connected by partly bituminized roads. The areas surrounding the buildings themselves are arranged as gardens. The buildings provide space for offices and a Council Chamber for the delegates, and office, storage and living space for the Secretariat.

3. The original lease covering a period of three years has been, after long negotiations, extended in 1953 for a period of one year expiring 31 March 1954. It is uncertain whether the United Nations will be able to obtain a further extension of the lease, especially at the present price.

4. It has been proposed several times that more satisfactory arrangements should be made and a number of alternative plans have been considered and rejected as too costly.

5. Negotiations with the owners of Villaggio Roma have produced an offer to sell at a price of \$23,000 which would be reduced by \$375 for each month by which the date of purchase antedates 1 April 1954. The Secretary-General, believing that the purchase of the compound at this price would be of financial advantage to the Organization, proposes to make the purchase on 1 January 1954, in which case prepaid rental in the amount of \$1,125 will be applied as a reduction against the purchase price. The Secretary-General, therefore, recommends that the estimate of \$150,000 already approved by the Fifth Committee under Section 5 of the 1954 estimates for the Advisory Council for the Trust Territory of Somaliland under Italian administration be increased by \$22,000.

6. It is estimated that a sum of approximately \$3,000 will be required to bring the buildings into a proper state of repair. It will be remembered however that a sum of \$5,700 was included in the Secretary-General's 1954 estimates for the Advisory Council for rental and maintenance of premises. This provision, after application of the global reduction of \$19,000 voted by the Fifth Committee, is now reduced to \$4,900. The Secretary-General believes that this sum will be sufficient to cover the costs of extraordinary repairs indicated above (\$3,000) and current maintenance of the buildings estimated at approximately \$1,900.

7. Revenue to derive from the rental of living quarters to staff members residing in the compound will amount to approximately \$2,500, and the 1954 miscellaneous income estimate can be increased accordingly.

DOCUMENT A/C.5/568

Detailed estimates for section 5: United Nations Conciliation Commission for Palestine

[Original text: English]
[30 November 1953]

	<i>Dollars (US)</i>
1954 estimates	61,200
1953 appropriation	45,000
1952 expenditure	738,742*

* Includes expenditures of the United Nations Supervision Organization for Palestine.

1. In the absence of change by the General Assembly in its eighth session, the functions and responsibilities of the Commission will continue to be those prescribed in General Assembly resolutions 194 (III), 384 (V) and 512 (VI). The function which will engage the efforts of the majority of the staff is the examination recommended in the Commission's report (A/2216) of individual Arab

property holdings on which compensation might be claimed.

2. The Commission will require a supporting staff consisting of one first officer, two second officers, one associate officer, one assistant officer and five secretarial and clerical, of which one second officer and one associate officer will comprise the Commission Secretariat while the other eight will be assigned to the property records programme (see Annex). This equals in number the staff approved for 1953.

3. Examination of records has thus far been confined to the microfilm records already in the possession of the Commission. This examination has revealed that the

information in the microfilm records at hand is by itself insufficient for the evaluation and assessment of the properties because of basic omissions in the documents photographed and the considerable number of illegible prints. These deficiencies will have to be corrected by reference to land and taxation records in the possession of the Governments of Egypt, Israel and Jordan, requiring the presence in the area of two staff members in a sub-office in Jerusalem.

4. On this basis, estimates for the continuance of the Commission in 1954 are :

	Dollars (US)
Temporary assistance	52,250
Travel and subsistence of staff	5,800
Miscellaneous supplies and services	2,000
Miscellaneous equipment	1,150
TOTAL	61,200

5. The Secretary-General requests that in order to cover the activities of the Conciliation Commission for Palestine in 1954, a credit of \$61,200 be approved under Section 5 of the 1954 budget.

6. It is assumed that the seat of the Commission will remain at Headquarters and the present estimates of 1954 requirements are prepared on that basis. Should it prove necessary for the Commission to meet away from Headquarters, the Secretary-General would propose to meet any additional expenses by advances from the Working Capital Fund as commitments relating to the maintenance of peace and security.

7. The revenue to derive from staff assessment applied to the salaries of the staff is estimated at \$8,600 for 1954.

8. The above estimate is another in the series currently submitted under Section 5 in substitution for the total provision of \$2 million tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

ANNEX

MANNING TABLE

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

1953	1954	Post	Inter-nationally recruited personnel	Staff detailed from Headquarters
<i>Commission Secretariat</i>				
2	2	Political Affairs Officer	2	—
<i>Office for Evaluation and Assessment of Arab Refugee Property</i>				
<i>(a) At Headquarters :</i>				
2	2	Political Affairs Officer	2	—
6	4	Secretarial and Clerical	4	—
<i>(b) In Jerusalem :</i>				
—	1	Political Affairs Officer	1	—
—	1	Secretarial and Clerical	1	—
—	—		—	—
10	10		10	—

DOCUMENT A/C.5/569

Detailed estimates for section 5: United Nations Truce Supervision Organization for Palestine

[Original text : English]
[30 November 1953]

	Dollars (US)
1954 estimates	528,400
1953 appropriation	450,000
1952 expenditure	737,742*

Miscellaneous supplies and services	4,000
Purchase of motor vehicles	22,000
Miscellaneous equipment	13,300

TOTAL 528,400

*Includes expenditure for the United Nations Conciliation Commission for Palestine.

1. At its 547th meeting on 18 May 1951, the Security Council adopted a resolution (S/2157) which provided for the continuation of the supervision of the Mixed Armistice Commission by the United Nations Chief of Staff of the Truce Supervision Organization. The resolution called upon the Chief of Staff to report to the Security Council on compliance with this resolution. No action has been taken in 1953 to alter the terms of the resolution. Accordingly, funds will be required to cover the activities of the Truce Supervision Organization in 1954, as follows :

	Dollars (US)
Temporary assistance	137,200
Travel and subsistence of observers	129,700
Travel and subsistence of staff	153,500
Communication services	2,500
Rental and maintenance of premises and equipment	17,000
Stationery and office supplies	3,700
Local transportation	1,000
Operation and maintenance of transportation equipment	32,000
Freight, cartage and express	8,600
Insurance	3,900

2. Under "temporary assistance", provision is made for eight internationally recruited staff (\$76,200), a total of seventeen local recruits (\$21,000), and the temporary replacement of eight staff members detailed to the Mission (\$40,000).

3. Under "travel and subsistence of observers", provision is made to cover replacement travel of eighteen observers (\$14,700). Provision is also made for payment of subsistence allowance at \$10 per day for thirty-five observers (the same number as at present employed), less approximately 10 per cent for absences from the Mission area (\$115,000).

4. Under "travel and subsistence of staff", provision is made to cover subsistence allowance of the Chief of Staff and the Special Adviser (\$6,000). Provision is also made for subsistence allowances for the other fifty-five members of the staff, after taking into account savings from absences from the Mission (\$122,300). The rates in Israel and Jordan are \$10 or \$7 per day for the first six months, and \$200 or \$135 per month thereafter. The rates in Lebanon and the rest of the Mission area are \$8 or \$5 per day for the first six months and \$150 or \$100 monthly thereafter. Provision is made in addition to cover one round-

trip of the Chief of Staff to New York and for travel costs on replacement of twenty staff members at \$1,200 per trip (\$25,200).

5. Under "operation and maintenance of transportation equipment", provision of \$32,000 is made, based upon 1953 average monthly costs for operation and maintenance of fifty-seven vehicles.

6. Under "purchase of motor vehicles", provision is made for replacement of eight sedans and one truck. Experience shows that replacement of vehicles after three years of service in the field produces a net saving as maintenance and repair costs rise sharply with the age of the vehicles.

7. Under "miscellaneous equipment", provision is made mainly for non-expendable radio equipment, including thirteen short-distance transmitters for use in the field.

8. The Secretary-General requests that, in order to cover the activities of the Truce Supervision Organization in 1954, a credit of \$528,400 be approved under section 5 of the 1954 budget. No provision is made in this amount for expenses of the Conciliation Commission for Palestine, for which separate estimates will be submitted.

9. Revenues to derive in 1954 from the activities of the Truce Supervision Organization for Palestine are estimated at \$41,800, comprising \$20,600 from application of the Staff Assessment Scheme, approximately \$8,000 from the sale of vehicles and \$13,200 from pay-

ments by United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in respect of services performed by two Field Service radio officers.

10. The above estimate is another in the series currently submitted under section 5 in substitution for the total provision of \$2 million tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

ANNEX

MANNING TABLE

UNITED NATIONS TRUCE SUPERVISION ORGANIZATION FOR PALESTINE

1953	1954	Post	Inter-nationally recruited personnel	Staff detailed from Headquarters
1	1	Chief of Staff	1	
1	1	Special Adviser	1	
1	1	Political Affairs Adviser		1
1	1*	Legal Adviser	1	
1	1	Administrative Officer		1
1	1	Interpreter	1	
--	2	Interpreter/Translator	2	
1	1	Finance Officer	1	
1	1	General Service Officer		1
6	6	Secretariat and Clerical	1	5
40	43	Field Service personnel		43
54	59		8	51

* For three months only.

DOCUMENT A/C.5/570

Detailed estimates for section 5: United Nations Military Observers in Greece

[Original text: English]
[30 November 1953]

	Dollars (US)
1954 estimates	49,000
1953 appropriation	110,000
1952 expenditure	86,648

1. Resolution 508 B (VI) of the General Assembly requested the Peace Observation Commission to establish a Balkan Sub-Commission composed of not less than three nor more than five members, with its seat at the United Nations Headquarters, and with authority:

(a) To dispatch such observers as it may deem necessary to any area of international tension in the Balkans on the request of any State or States concerned, but only to the territory of States consenting thereto;

(b) To visit, if it deems necessary, any area in which observation requested under sub-paragraph (a) is being conducted;

(c) To consider such data as may be submitted to it by its members or observers and to make such reports as it deems necessary to the Peace Observation Commission and to the Secretary-General for the information of Member States.

2. The Balkan Sub-Commission decided on 31 January 1952 (A/CN.7/SC.1/2) that five military observers and one principal observer should be made available to them and requested the Secretary-General to provide the necessary staff and facilities to the observer group.

3. On 26 November 1953, the Permanent Representative of Greece addressed to the Secretary-General a request that he consider the possibility of limiting to

three the number of United Nations Military Observers in Greece and of continuing their services through 31 July 1954 (A/CN.7/SC.1/52). On the basis of this request, it is estimated that the requirements of the United Nations Military Observers in Greece for 1954 will be as follows:

	Dollars (US)
Temporary assistance	21,800
Travel and subsistence of observers	5,800
Travel and subsistence of staff	12,000
Communications services	500
Rental and maintenance of premises and equipment	1,800
Operation and maintenance of transportation equipment	1,000
Freight, cartage and express	2,500
Insurance	1,000
Miscellaneous supplies and contractual services ..	2,000
Miscellaneous equipment	600
TOTAL	49,000

4. Under "Temporary assistance" provision is made for three internationally recruited staff: the Principal Observer and a Political Officer for seven months and an Administrative and Finance Officer for eight months (\$17,400), and six locally recruited staff: one interpreter, one fitter-mechanic, one driver-mechanic, one driver, and two custodial workers (\$4,400).

5. Under "Travel and subsistence of observers" provision is made for travel on repatriation (\$2,400) and for subsistence allowance at \$7 per day for two observers for one month and two observers for seven months (\$3,400).

6. Under "Travel and subsistence of staff" provision is made for travel (\$4,800) and for subsistence of six staff members (\$7,200). Staff members received mission subsistence allowance at \$7 or \$4 per day (based upon dependency status) for the first six months of their assignment and \$140 or \$95 per month after six months of service.

7. The Secretary-General requests that, in order to cover the activities of the Military Observers in Greece in 1954, a credit of \$49,000 be approved under Section 5 of the 1954 budget.

8. The income to accrue during 1954 from the activities of the Military Observers in Greece is estimated at \$6,600, of which \$3,100 in staff assessments and \$3,500 from the sale of cars and equipment.

9. The above estimate is another in the series cur-

rently submitted under Section 5 in substitution for the total provision of \$2 million tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

ANNEX

MANNING TABLE

UNITED NATIONS MILITARY OBSERVERS IN GREECE

1953	1954	Post	Inter-nationally recruited personnel	Staff detailed from Headquarters
1	1	Chief Military Observer	1	
1	1	Political Affairs Officer	1	—
1	1	Administrative and Finance Officer	1	
1	1	Secretary	—	1
3	2	Radio Operators	—	2
7	6		3	3

DOCUMENT A/C.5/571

Detailed estimates for section 5: United Nations Commission for the Unification and Rehabilitation of Korea

[Original text: English]
[30 November 1953]

	Dollars (US)
1954 estimates	185,200
1953 appropriation	250,000
1952 expenditure	259,234

1. At its 294th meeting held on 7 October 1950, the General Assembly adopted resolution 376 (V), which established a United Nations Commission for the Unification and Rehabilitation of Korea, and requested the Secretary-General to provide adequate staff and facilities, including technical advisers, as required by the Commission. It also authorized the Secretary-General to pay expenses and *per diem* of a representative and alternate from each of the member States of the Commission.

2. In the absence of action by the General Assembly with respect to the continuing functions and responsibilities of this Commission, the Secretary-General deems it necessary to request that provision be made in the 1954 budget estimates for an appropriation in the amount of \$185,200, based upon the pattern of expenditures actually incurred during 1953. This amount is estimated as follows:

	Dollars (US)
Temporary assistance	42,900
Travel and subsistence of members	47,600
Travel and subsistence of staff	58,800
Communication services	7,200
Rental and maintenance of premises and equipment	4,500
Stationery and office supplies	1,800
Local transportation	1,800
Operation and maintenance of transportation equipment	4,800
Freight, cartage and express	8,400
Insurance	900
Miscellaneous supplies and services	3,500
Furniture and fixtures	1,000
Miscellaneous equipment	2,000
TOTAL	185,200

3. Under "Temporary assistance" provision is made for one internationally recruited staff member (\$3,300), local recruits (\$19,100), and the temporary replacement at Headquarters of staff detailed to the Mission (\$20,500).

4. Under "Travel and subsistence of members" provision is made for travel (\$7,300) and for subsistence of

seven representatives at \$20 per day less approximately 20 per cent for absences from the Mission area (\$40,300).

5. Under "Travel and subsistence of staff" provision is made to cover replacement travel of staff (\$13,800). Provision is also made to cover subsistence of the Principal Secretary at \$20 per day and of the other eighteen staff members at \$8 or \$5 per day according to dependency status, after appropriate reduction to take into account absences from the Mission area (\$45,000).

6. The Secretary-General requests that, in order to cover the activities of the United Nations Commission for the Unification and Rehabilitation of Korea in 1954, a credit of \$185,200 be approved under section 5 of the 1954 budget.

7. Income to derive in 1954 from application of the Staff Assessment Scheme is estimated at \$4,300.

8. The above estimate is another in the series currently submitted under section 5 in substitution for the total provision of \$2,000,000 tentatively included in the original estimates to assist in the over-all appraisal of the 1954 budget.

ANNEX

MANNING TABLE

UNITED NATIONS COMMISSION FOR THE UNIFICATION AND REHABILITATION OF KOREA

1953	1954	Post	Inter-nationally recruited personnel	Staff detailed from Headquarters
1	1	Principal Secretary	—	1
1	—	Special assistant to Principal Secretary	—	—
1	1	Political Affairs Officer	—	1
1	1	Information Officer	—	1
1	1	Administrative Officer	—	1
1	—	Finance Officer	—	—
1	1	Cameraman	—	1
3	1	Secretarial and clerical	1	—
14	13	Field Service personnel	—	13
24	19		1	18

DOCUMENT A/C.5/L.268/Rev.1

France: revised amendment to draft resolution B contained in the draft report of the Fifth Committee (A/C.5/L.264)

[Original text: French]
[8 December 1953]

Add the following sub-paragraph (g) to draft resolution B (Unforeseen and extraordinary expenses for the financial year 1954):

"(g) The disbursements required for the payment of the indemnities awarded by the Administrative Tribunal and mentioned in the General Assembly's request to the International Court of Justice for an advisory opinion, in the event of the Court's finding that the General Assembly is not entitled to refuse to give effect to the said awards."

DOCUMENT A/C.5/545

Statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions at the 379th meeting of the Fifth Committee on 30 September 1953

[Original text: English]
[30 September 1953]

Thank you, Mr. Chairman, for inviting me to say a few words on the report of the Advisory Committee on Administrative and Budgetary Questions.

The Committee over which I have the honour to preside has had the pleasure of several meetings with the Secretary-General. I wish, both in the Committee's name and on my own behalf, to associate myself with the tribute that you have just paid.

High hopes are built around the person of the new Secretary-General. This is not only because the office which he holds places him in a unique position to give form to our hopes, and—at the propitious moment—, to bring them to fulfilment. It is also because the Secretary-General's record of past service to his country and in the international field and, more recently, his record of service with the United Nations have led us to the conviction that the Member States and the Secretariat have done well to set their hopes so high.

The Secretary-General may be assured that the Advisory Committee will at all times give full and careful consideration to the problems and difficulties that are an inseparable part of his office. His proposals on budgetary and administrative matters will be heard with understanding, and we look forward to maintaining the relationship that already exists, a relationship of harmony and mutual confidence.

The recommendations of the Advisory Committee as embodied in its first report to the eighth session of the General Assembly are governed by a major factor, to which the Secretary-General has referred in his statement: there has been no time for the Secretary-General, since taking over his new duties, to formulate proposals for the re-organization of the Secretariat. Consequently, the budget estimates for 1954 and the recommendations of the Advisory Committee are related to the existing administrative situation. None of the recommended cuts is intended to discount whatever economy may be possible under the Secretary-General's plan, and equally none is intended to prejudge matters in which the initiative must come from the Secretary-General. The Advisory Committee will be in a position, when his proposals are submitted, to carry out the task which the General Assembly laid upon it in December last as regards the administration of the United Nations.

Accordingly, the greater part of the report is taken up with matters of detail regarding the estimates as submitted. This is not the moment to enter into those details, but I shall be glad, as each appropriation section is reviewed, to give whatever additional explanation the Fifth Committee may desire.

The fact that this year the Secretary-General has not contested the reductions recommended by the Advisory Committee simplifies my task, enabling me to make this very brief statement to the Fifth Committee.

If he will permit me to say so, the Secretary-General was wise not to question our figures, first because budget making is not an exact science and estimates are at best approximations and they always contain an element of uncertainty one way or the other; and secondly because a tight budget is a healthy feature in an administrative structure such as ours. Last, but not least, if in his effort to move with ease within the budget estimates as recommended by the Advisory Committee the Secretary-General is confronted with real hardship in the maintenance of essential activities of the United Nations, the Advisory Committee will assist him. I thought I would make this statement not only to allay any fears he may entertain on that score but also, in order to dispel any doubts that may have arisen in the mind of the members of this Committee in connexion with M. Hammarskjöld's statement that he is well content to leave the Fifth Committee, without any special pleading on his part, to come to its own conclusions as to what should be a suitable level of appropriations for 1954.

Our report has in past years been adopted as the basis of discussion of the budget estimates of the United Nations. I take it, Mr. Chairman, that in view of its non-contentious nature it may all the more appropriately be taken again as the basis of discussion during the present session of the Fifth Committee.

I have already suggested that this is not an appropriate moment to go into the details of the report. I should, however, like to make a passing reference to one matter: part I of the report gives prominence—as was the case last year—to the problem of documentation. It will be for this Committee to judge whether this

prominence is justified. My colleagues and I believe, however, that while there may be differences of view on the remedial measures to be taken, no one will deny that an excess of documents does harm to the Organization and should be curbed. It seems to us that the point of excess has long since been reached, but that again in a matter for the Fifth Committee's judgment.

May I avail myself of this opportunity to express the gratitude of the Advisory Committee to the Secretary-General, the Assistant Secretary-General in charge of the Department of Administrative and Financial Services and their associates who so greatly facilitated the Committee's task. I would also express our appreciation and thanks

to the Chairman of the Board of Auditors for his valuable co-operation with the Advisory Committee.

The questions entrusted to the Advisory Committee were indeed very demanding this year, the more so since the Committee dispensed with its spring session and therefore had to do more work in relatively less time. I consider it a duty—and no more than a duty—to inform the Fifth Committee that we would not have been able to cope with our heavy agenda but for the untiring, competent, loyal and courageous efforts of the Secretary of the Committee who, aided by his assistants, made our task possible. I wish to place on record the Advisory Committee's indebtedness to him.

DOCUMENT A/2499

Fourth report of the Advisory Committee on Administrative and Budgetary Questions: section 32: The International Court of Justice

[Original text : English]
[8 October 1953]

	Dollars (US)
Estimate submitted by the Secretary-General	778,600
Estimate recommended by the Advisory Committee	621,980
1952 (actual expense)	627,116
1953 (appropriation)	630,800

1. The Advisory Committee on Administrative and Budgetary Questions has examined the estimates submitted by the Secretary-General (A/2383, pages 61 to 163) in respect of section 32: The International Court of Justice. The provision proposed for 1954 amounts to \$778,600, or \$147,800 more than the 1953 appropriation, the increase being mainly attributable to the proposal, under item (ii) of chapter I, for the funding of pensions that may be awarded to members of the International Court of Justice. Other items in chapter I are proposed at the same level as for 1953, while salaries, wages and expenses of the Registry (chapter II) and common services (chapter III) show a slight decrease.

2. The funding of members' pensions was first contemplated in 1946, when a Joint Sub-Committee of the Fifth and Sixth Committees reported to the General Assembly at the second part of its first session recommending, among other things, the establishment of a special pension fund so that the annual budgetary charge might be stabilized. On the basis of the Sub-Committee's report, the General Assembly adopted resolution 86 (I) of 11 December 1946, in which, however, a specific reference to this matter is not included.

3. Independently of the merits of the scheme now proposed, the Advisory Committee considers it important to avoid a situation in which differing methods are applied for financing the retirement and other pensions of high officials of the United Nations and of the specialized agencies. Certain of these methods are of a purely *ad hoc* character, and others appear to be related more to the holder of the office than to the office itself. Therefore, while recognizing that the proposal submitted with the 1954 budget estimates does make for uniformity, since the fund would be brought administratively within the framework of the United Nations Joint Staff Pension Fund, the Committee suggests that it would nevertheless be preferable, in the first instance, to study the possibility of a comprehensive funding of all pensions not already

covered by that fund. Accordingly, it is recommended that consideration of the proposal should be postponed for one year, during which time supplementary information on its financial implications could be submitted, and that item (ii) of chapter I should be reduced by \$152,820 to \$13,850, the latter figure including a token provision of \$100 in respect of the pension fund.

4. As regards chapter II (salaries, wages and expenses of the Registry), the Committee concurs, with one exception, in the proposed up-gradings (item (i)), which are intended as adjustments in keeping with equivalent Headquarters classifications. In the case of the re-classification of a First Officer post at Senior Officer level, the proposal appears to the Committee to be based rather on the qualifications of the present holder than on an increase in the responsibilities of the post. On that ground alone it is not recommended for approval.

5. Reductions of \$2,000 on temporary assistance (item (ii)) and \$400 on overtime (item (iii)) are also recommended. As regards travel on official business (item (xii)), the figure of \$3,500 representing the actual 1952 expenditure augmented by the cost of one round-trip to United Nations Headquarters should prove sufficient.

6. On this basis, the Advisory Committee recommends an appropriation of \$621,980 for section 32, representing a reduction of \$156,620 on the figure submitted.

ANALYSIS OF REDUCTIONS RECOMMENDED

	Dollars (US)
Chapter I:	
(ii) Contributions, Pension Fund	152 820
Total reduction, chapter I	152,820
Chapter II:	
(i) Established posts	400
(ii) Temporary assistance	2,000
(iii) Overtime	400
(xii) Travel on official business	1,000
Total reduction, chapter II	3,800
TOTAL	156,620

DOCUMENT A/2501

Fifth report of the Advisory Committee on Administrative and Budgetary Questions: section 20: European Office of the United Nations; section 20 a: Office of the High Commissioner for Refugees

[Original text: English]
[16 October 1953]

1. The present report, a supplement to the Advisory Committee's first report to the eighth session of the General Assembly (A/2403), contains two parts: first, "Inquiry into the use of the staff and premises of the European Office of the United Nations at Geneva"; second "1954 budget estimates for part IV—European Office of the United Nations at Geneva". These matters were considered by the Advisory Committee at a session held from 3 to 21 August 1953 at Geneva.

Part I

Inquiry into the use of the staff and premises of the European Office of the United Nations at Geneva

2. At its 353rd meeting on 4 November 1952, the Fifth Committee took the following decision, which formed part of its report to the General Assembly (A/2352) on the 1953 budget estimates:

"The Fifth Committee

"Requests the Advisory Committee on Administrative and Budgetary Questions to make a comprehensive study of the work of the United Nations Office at Geneva with a view to submitting to the General Assembly at its eighth session practical recommendations for the efficient and economical use of that office's staff and premises, in the light of any decision which the General Assembly may take on the basic pattern of conferences at Headquarters and Geneva".

The decision of the General Assembly regarding a regular pattern of conferences is to be found in resolution 694 (VII) of 20 December 1952.

ESTABLISHMENT OF THE EUROPEAN OFFICE

3. It seems useful before attempting to determine whether or not the use of staff and premises is economical to recall the circumstances in which the material assets of the League of Nations, together with certain functions and activities, were transferred to the United Nations as well as to consider the nature of those assets.

4. After the adoption in 1945 of the Charter of the United Nations, the Executive Committee of the Preparatory Commission was instructed to "formulate recommendations concerning the possible transfer of certain functions, activities and assets of the League which it may be considered desirable for the new Organization to take over on terms to be arranged." A common plan for the transfer of the assets of the League of Nations to the United Nations (A/18/Add.1)⁴ was accordingly negotiated at the direction of the Preparatory Commission and approved by the General Assembly on 12 February 1946 in resolution 24 (I). It provided for the transfer to the United Nations of material assets (subsequently valued at \$10,809,529) comprising, as the principal items, the Secretariat building and Assembly hall at Geneva (at a valuation of over \$9 million) and the Library block, together with real estate valued at approximately \$676,000. The balance of \$1,067,279,

⁴ Official Records of the General Assembly, First part of the First Session, League of Nations Committee, page 16.

representing other than permanent capital assets, included equipment and furniture at Geneva, at The Hague and at certain branch offices of the League, library books, stocks of publications and supplies.

5. The common plan further provided that "the International Labour Organisation may use the Assembly hall together with the necessary committee rooms, office accommodation and other facilities connected therewith at times and on financial terms to be agreed from time to time between the United Nations and the International Labour Organisation," and also that ILO may use the library "under the same conditions as other official users thereof".

6. In accordance with the above provision and the precedent established in the time of the League of Nations, ILO uses the greater part of the space in the Assembly block during June of each year for its annual conference, with the United Nations retaining for its own purposes one of the large rooms equipped for simultaneous interpretation.

7. During 1950, a lease agreement was concluded between the United Nations and the World Health Organization providing, *inter alia*, that WHO, subject to reimbursement, may use the Assembly hall, the Council chamber and any other conference room in the Palais at times to be agreed between the two parties. WHO accordingly holds all its major Geneva meetings, including the annual May session of the World Health Assembly, in the Palais des Nations.

8. By resolution 24 (I) the General Assembly, in addition to approving the common plan, appointed a committee to assist the Secretary-General in negotiating with the Swiss Federal authorities agreements relating to the transfer to the United Nations of the Geneva buildings and certain of the assets of the League of Nations. Agreements covering the privileges and immunities of the United Nations in Switzerland and the Ariana site were subsequently concluded between the Swiss Confederation and the United Nations and entered into force on 1 July 1946.

9. It may also be noted that in the same resolution the General Assembly requested the Secretary-General to make provision for taking over and maintaining in operation the library and archives of the League of Nations.

10. The decision of principle on the acquisition of these assets was a decision taken by the General Assembly on the basis of various considerations; as such, it comes within the purview of the Advisory Committee only to the extent that budgetary and administrative repercussions have ensued.

11. The Palais des Nations was erected as the headquarters of the League of Nations, and both as regards the total area of the property and the structural arrangement of the premises (which gives prominence to the Assembly hall and conference rooms), it is not well suited to the requirements of a branch office. Large sums are needed for the maintenance of the fabric, and while the monetary provision for this purpose has been comparatively modest during recent years, increased expenditure may prove indispensable in the future if an

uneconomic deterioration of the premises is to be avoided. In addition, the internal arrangement of office space does not lend itself, without extensive and costly alterations, to the accommodation of a staff commensurate in number with the superficial area available. Nevertheless, due account must also be taken of the purposes for which the building is being used at the present time, when it serves not only as a branch office of the United Nations but also as the headquarters of WHO and as the conference seat both for that organization and ILO. To all these factors the Advisory Committee gave due consideration in assessing the use that is now made of the Palais.

12. It may be useful to trace in outline the development of the European Office from 1 August 1946, the date of the formal transfer of the assets of the League of Nations. During that year the staff employed at the Palais, apart from a nuclear administrative and custodial staff and the officials engaged on the transfer of assets, was limited to officials required for the transfer to the United Nations of certain functions of the League relating to Economic Intelligence, Public Health and Transit, as well as for the transfer of the Permanent Central Opium Board and Drug Supervisory Body. The staff employed during October-November 1946 grouped by present organizational units was the following:

Office of the Director	4
Library	11
Office of the Deputy Director	2
Languages and Stenographic Division	22
Documents, Registry and Distribution Division	15
Purchase, Supply and Transportation Division	7
Publications and Sales Division	7
Building Management Division	75
Administrative and Financial Services	9
	152
Substantive staff transferred from League of Nations ..	28
	TOTAL 180

13. Actual expenditure, together with the number of posts, for the three years 1946 to 1948, is shown in the following table :

	Posts	Actual expense (total for section) Dollars (US)
1946	195	239,561
1947	191	1,940,983
1948	590	3,211,566

14. For purposes of comparison, the staffing of the European Office during the years 1948 to 1954 is shown in the following table, by chapters of the appropriation sections :

	1948	1949	1950	1951	1952	1953	1954
Section 20 :							
Chapter I. General services*	413	427	429	433	470	479	508
Chapter II. Information Centre	12	17	15	14	14	13	13
Chapter III. Permanent Central Opium Board	7	7	7	7	7	7	8
Chapter IV. Economic Commission for Europe	158	174	172	157	154	154	155
	590	625	623	611	645	653	684
Section 20 a :							
Chapter I. Headquarters Office of the High Commissioner for Refugees	—	—	—	40	42	42	42
	590	625	623	651	687	695	726

* The total number of posts for chapter I of this section includes manual workers (with the exception of part-time cleaners now covered under casual labour).

15. During 1947, the Economic and Social Council, acting at its fourth session (February - March 1947) on a recommendation of the General Assembly [resolution 46 (I) of 11 December 1946] established the Economic Commission for Europe, providing, among the Commission's terms of reference, that its headquarters should be at the seat of the European Office. Two sessions of the Commission, mainly of an organizational character, were held during 1947, but it was not until the following year that its secretariat was fully established with 158 posts, the approximate level at which it has since been maintained.

16. By the end of 1948, the small substantive units at the European Office dealing with Social, Trusteeship and Legal Affairs had been transferred to Headquarters; the Advisory Social Welfare Unit, which had previously been included for budget purposes in a separate appropriation section, was transferred during 1949 to section 20 and remained as a unit of the European Office until its absorption in 1952 by the Technical Assistance Administration.

17. After a period of gradual transfer of the staff of the Interim Commission from New York to Geneva, WHO decided in May 1948 to make the Palais des

Nations its permanent headquarters. During 1951-1952 an extension of the Secretariat building was undertaken for the purpose of accommodating the secretariat of WHO; the addition of the north wing has resulted in an increase in the normal office capacity of the Palais from 800 to 1,200 staff members approximately.

18. It may also be noted that both the International Refugee Organization (IRO) and the Interim Commission for the International Trade Organization (ICITO) and General Agreement on Tariffs and Trade (GATT) occupied offices for a time within the Palais. Finally, during 1951, the headquarters office of the High Commissioner for Refugees was established at the European Office, comprising for the years 1952 and 1953 forty-two established posts.

ORGANIZATION OF THE EUROPEAN OFFICE

19. The recommendations of the Preparatory Commission were directed mainly to a question of principle, whether to bring within the structure of the United Nations certain of the activities and functions carried on by the League of Nations, as well as to the related question of the transfer of the assets of the latter

organization. The recommendation did not deal with the organization of whatever office might be established at Geneva, for the reason that the seat of the United Nations was at the time still a matter for decision. Similarly, the General Assembly, when approving, at the first part of its first session, the relevant recommendations of the Commission, and when taking, at the second part, a number of decisions deriving therefrom, refrained from laying down specific directives regarding the organization of the European Office. It was mainly through the process of budget review that, during 1946 and subsequent years, the Assembly took action affecting the structure of the office.

20. The proposals for reorganization which the General Assembly, under resolution 681 A (VII) of 21 December 1952, requested the Secretary-General to make, may, of course, embrace every part of the Secretariat. In this matter the initiative rests in the first instance with the Secretary-General, whose responsibility, according to that resolution, is to "prepare a full report on the problems" in question. For this reason, and pending the submission of the Secretary-General's report, which necessarily will include proposals regarding the European Office no less than Headquarters, the Advisory Committee has based its inquiry on the existing structure of the Office, limiting itself for the most part to a description of the administrative relationships within the Office and between it and Headquarters. Certain of the problems connected with these relationships fall outside the scope of the Committee's inquiry; in other cases—among which the liaison functions performed in the Director's office may be cited—the Committee is anxious not to prejudge proposals which the Secretary-General may wish to present.

21. Exceptionally as regards the Office of the High Commissioner for Refugees, a specific recommendation is included in the present report, for the particular reason that the arrangements for that Office and the question of its continuation will come under review during the current session of the General Assembly.

22. During 1949, the Secretary-General, interpreting various resolutions and other decisions of the General Assembly, defined in a bulletin (SGB.82/Rev.1) the composition and functions of the European Office and the relationship of its component parts to Headquarters, as follows :

"1. The European Office of the United Nations comprises all the elements of the United Nations Secretariat established at Geneva.

"2. The functions of the Office shall include the following :

"(a) To serve as a centre for United Nations meetings in Europe ;

"(b) To serve as the Headquarters for (1) the Economic Commission for Europe ; (2) the Narcotic Drugs Supervisory Body ; (3) the Permanent Central Opium Board ; and such other United Nations bodies as the Secretary-General may decide ;

"(c) So far as the requirements of the United Nations permit, and with the approval of the Secretary-General, to provide office space and conference facilities for specialized agencies if requested, subject to such financial and other arrangements as may be agreed ; in so doing to make every effort to ensure the establishment and maintenance of common services at Geneva to the greatest possible extent.

"3. The Director shall, subject to the provisions below, be responsible to the Secretary-General for the conduct of business at the Office ; he shall exercise

administrative authority over all members of the United Nations staff working at Geneva. The Director shall represent the Secretary-General with the Swiss Federal, cantonal and municipal authorities and, in matters concerning local administrative relationships, with the specialized agencies in Geneva.

"4. Matters within the responsibilities of the Departments of Administrative and Financial Services and Conference and General Services shall be dealt with directly and exclusively between those departments and the European Office.

"5. On substantive matters the Executive Secretary of the Economic Commission for Europe, and the heads of other substantive units of the Secretariat at Geneva, shall be responsible to the appropriate Assistant Secretary-General at Headquarters, and shall report directly to him. Similarly, Headquarters departments shall deal directly with these units on substantive matters within their responsibility. The Secretary of the Permanent Central Opium Board and the Narcotic Drugs Supervisory Body is responsible to the authorities provided in the convention in force.

"6. No action which might have administrative or financial implications for the European Office, or which might affect its workload or its ability to service conferences at Geneva, should be taken without prior consultation with the Director.

"7. Differences between departments shall be resolved by the Secretary-General.

"8. All communications to the European Office, except on matters within the responsibility of substantive Departments, shall be addressed to the Director of the Office and shall be signed by or on behalf of the Assistant Secretary-General in charge of the originating Department."

23. Since the date when the above bulletin was issued, three new substantive units have been established within the premises of the European Office :

(a) In 1951 : The Office of the High Commissioner for Refugees (1953 establishment : forty-two posts (Geneva headquarters)) ;

(b) In 1952 : The Technical Assistance Service (fifteen posts) ;

(c) In 1953 : The Bureau of Missing Persons and Declaration of Death (two posts).

24. Of these new services, the first occupies a special position, to which detailed reference is made in paragraph 25, C, below. The Technical Assistance Service, which has absorbed the former Advisory Social Welfare Unit, is financed from a separate budget to which the United Nations contributes in part, its funds being allotted by the Director-General of the Technical Assistance Administration, under whose authority the service is placed : to that extent its position within the structure of the European Office differs from that of other substantive units. The Bureau of Missing Persons and Declaration of Death comes under the administrative control of the Director of the European Office but in substantive matters is responsible to the Legal Department.

ORGANIZATION OF UNITS AT THE EUROPEAN OFFICE :
ALLOCATION OF ADMINISTRATIVE AND SUBSTANTIVE
RESPONSIBILITY

25. The various services (other than specialized agencies) that are housed within the Palais des Nations may be grouped in three categories :

A. *General services that are wholly subject to the authority of the Director of the Office*

Conference and General Services ;
Administrative and Financial Services ;
Library.⁵

B. *Services that come under the administrative authority of the Director but are responsible in substantive matters to a Headquarters department*

Secretariat of the Economic Commission for Europe ;
Information Centre ;
Bureau of Missing Persons and Declaration of Death ;
Technical Assistance Administration ;
Inspection Service ;
Joint Secretariat of the Permanent Central Opium Board and Drug Supervisory Body.⁶

The Liaison Unit in the Office of the Director may also be included in this category since the two officials concerned receive their instructions direct from Headquarters except in those cases where the Director himself heads a United Nations delegation to an agency conference.

C. *The Office of the High Commissioner for Refugees*

(i) The special position which the Office of the High Commissioner for Refugees occupies within the framework of the European Office arises out of the statute adopted by the General Assembly in 1950 [resolution 428 (V), Annex] and particularly out of the provisions of chapter III of that instrument. Thus, article 15 (a) of the statute provides that "within the limits of the budgetary appropriations provided, the staff of the Office of the High Commissioner shall be appointed by the High Commissioner and shall be responsible to him in the exercise of their functions". Article 17 provides that the High Commissioner and the Secretary-General shall make appropriate arrangements for liaison and consultation on matters of mutual interest, while articles 18 and 20 provide respectively that the Secretary-General shall make available to the High Commissioner all necessary facilities within budgetary limitations, and that the Office of the High Commissioner shall be financed under the budget of the United Nations. Other articles stipulate that the Office of the High Commissioner shall be subject to the staff regulations and the financial regulations of the United Nations.

(ii) The Advisory Committee is informed that, as regards the *de jure* position, the Secretary-General construes the statute as making the High Commissioner for Refugees directly responsible to the General Assembly, and not to himself, in respect of administrative as well as substantive matters, even though the necessary budgetary provision under section 20a is allotted by the Secretary-General. For practical purpose, however—as the Advisory Committee is further informed—the Office of the High Commissioner forms a fully integrated part of the United Nations Secretariat. The administrative and financial services of the European Office, for example, act in the same capacity on behalf of the High Commissioner, advising him on the decisions to be taken in accordance with staff and financial regulations and rules and generally conducting, subject to his authority,

⁵ General policy guidance is, however, given by the Headquarters Library.

⁶ The Joint Secretariat, though grouped for convenience in this category, is responsible, as regards substantive matters, to the Opium Board and the Supervisory Body and not to a Headquarters department.

the administrative and financial business of his office (including that relating to the extra-budgetary funds under his control).

(iii) The Advisory Committee considers that, though the existing working arrangements between the High Commissioner's Office and the European Office appear satisfactory, there is need for a review of the administrative relationship between the Secretary-General and High Commissioner. This might appropriately be undertaken during the current session of the General Assembly, when the question of the continuation of the Office of the High Commissioner will be considered. In the Committee's opinion, it is not desirable that, as is now the case, the budget estimates for the Office of the High Commissioner, which form part of the budget of the United Nations and are submitted jointly with the estimates for other appropriation sections, should be presented and defended by any officer other than the Secretary-General. The revised 1954 estimates for section 20a (A/C.5/540), though submitted in a "report by the Secretary-General", are prefaced by a paragraph to the effect that "the High Commissioner for Refugees has requested that the following supplementary estimates for section 20a be submitted to the General Assembly on his behalf". It appears also inconsistent with Article 97 of the Charter that administrative authority may be exercised within the Secretariat without reference to the chief administrative officer. The Committee accordingly recommends that these matters should be the subject of review by the General Assembly.

RELATIONS WITH THE SPECIALIZED AGENCIES

A. *Services provided*

26. As was noted in paragraph 22 above, one of the functions of the European Office is "so far as the requirements of the United Nations permit, . . . to provide office space and conference facilities for specialized agencies if requested, subject to such financial and other arrangements as may be agreed . . ." The following are the specialized agencies and similar bodies for which the European Office provides certain services and facilities (described in detail in paragraph 15 below) :

(a) *Within the Palais des Nations* : World Health Organization (WHO) ; Food and Agriculture Organization (FAO) (small branch office) ;

(b) *Outside the Palais des Nations* : International Labour Organization (ILO) ; World Meteorological Organization (WMO) ; ICITO/GATT ; Inter-Governmental Committee for European Migration (ICEM).

United Nations Korean Reconstruction Agency (UNKRA), though not a specialized agency, may conveniently be included in group (a), together with the small TAB unit.

27. The conference and general services provided by the European Office for the specialized agencies and similar bodies are summarized below :

Office accommodation and related services (messengers, cleaning, telephone, utilities, etc.) : WHO, FAO, UNKRA, TAB.

Conference accommodation : ILO,⁷ WHO, WMO, ICITO, GATT, ICEM, TAB, FAO.

Documents reproduction : WHO, ICEM, UNKRA, TAB and (during conferences) ICITO, GATT and FAO.

Distribution : WHO, ICITO, GATT, TAB, FAO.
Mailing : WHO, ICITO, GATT, TAB, FAO, UNKRA.

⁷ ILO provides its own *huissier* and messenger service.

Printing : WHO, ICITO, GATT.

Sales : WHO, ICITO, GATT.

Purchase of office supplies: ILO, WHO. In addition, WMO, UNKRA, ICITO, GATT and TAB draw on United Nations stocks for all or part of their requirements.

Freight service : WHO, ICITO, GATT, FAO, UNKRA, TAB.

28. The principle governing the reimbursement of services rendered to specialized agencies was laid down by the General Assembly in 1948 when it requested the Secretary-General to "arrange with the specialized agencies for adequate reimbursement by the latter to the United Nations of expenditures connected with the offices and administrative services placed at their disposal" [resolution 210 (III) of 18 November 1948]. Earlier in that year, the Advisory Committee had recommended that major conferences or continuing administrative arrangements should be serviced on the basis of a reasonable recovery of all additional expenses incurred on behalf of a borrowing agency.

29. Miscellaneous income at the European Office includes the two following items which produced in 1952 the actual income indicated :

	Dollars (US)
(a) Rental income (space charges)	183,820
(b) Reimbursement for staff and services furnished to specialized agencies and others	174,835

30. In so far as specialized agencies are concerned, revenue received by the United Nations under item (a) contains no element of rental proper, being made up of charges to the agencies for servicing the conference accommodation and office space. The total of \$183,820 is analysed in the following table :

	Office space in the Palais	Conference space in the Palais	Villas and dependencies	Total
	Dollars (US)			
WHO	134,681	8,148	—	142,829
GATT	5,787	4,622	167	10,576
ILO	—	8,798	833	9,631
ICEM	—	623	—	623
IRO	—	550	—	550
Delegations	—	405	14,463	14,868
Commercial firms*	2,643	—	—	2,643
Private individuals	—	—	2,100	2,100
TOTAL	143,111	23,146	17,563	183,820

* Mainly the newsstand within the Palais.

31. As regards item (b), which covers staff and services furnished, principally to specialized agencies, the rates for services most in demand are reviewed annually on the basis of the ascertained cost of the previous year. In the case of loans of staff, the rate of reimbursement is the equivalent of the local daily rate for temporary assistance in the category and grade concerned. This latter arrangement was adopted by the Administrative Committee on Co-ordination in 1951 in order to ensure that no agency should feel constrained for financial reasons to engage temporary staff in preference to borrowing staff from another agency and, as a corollary, that periods of less than full employment among permanent staffs might be utilized to advantage.

32. The actual 1952 reimbursement under item (b) was composed of the following items :

	Dollars (US)
WHO	109,194
GATT	20,347
ILO	9,813
FAO	1,510
ICEM	11,042
IRO	5,423

WMO	2,374
ITU	910
UNESCO	467
Language courses	2,105
Sale of tickets for guided tours of the Palais	10,810
Commission on sale of tram tickets by United Nations staff	273
Miscellaneous	567

TOTAL 174,835

33. While the above arrangements have proved satisfactory in the past, the Advisory Committee suggests that any extensive improvements to premises or any abnormal expenditure (e.g., for the replacement of the air-conditioning plant in the Assembly block) should be taken into account in the review of certain of the reimbursement rates under item (a), Rental income (space charges).

B. Common services with specialized agencies at Geneva

34. The General Assembly considered at its sixth session⁸ and at its seventh session⁹ reports submitted by the Secretary-General on the common services established or proposed at certain United Nations centres. The principal matters covered by those reports included the co-ordination of the services grouped, in the United Nations, in the Department of Conference and General Services, and the reports were limited, for the most part, to Geneva, as the site of the largest concentration of separate international organizations. The Advisory Committee, in the course of its inquiry, sought information on any development or modification of such services that had occurred at Geneva during the past twelve months.

(a) The Joint Purchasing Service, which embraces five member organizations (United Nations, ILO, WHO, WMO and ITU), has now been constituted and is undertaking the purchase of articles standard to the member organizations. In addition, negotiations are proceeding with a view to an extension of the list of standardized articles and the completion of a catalogue common to all participants.

(b) The Joint Supply Service, which at present is mainly a common service between the United Nations and WHO, has only recently come into being. The arrangement entered into provides for the transfer of two store-keepers from the staff of WHO to that of the European Office, which will store and distribute WHO's stationery, office machines and furniture and keep the relevant stock records, against reimbursement of the cost of the two posts involved. WMO also participates in this scheme to a limited extent, its office supplies being drawn, by requisition to the Joint Supply Service, from the stocks of the European Office, against reimbursement of cost plus a handling charge of 5 per cent.

(c) As regards the proposed Joint Printing Service, which was also foreshadowed in the earlier of the Secretary-General's reports, inquiries are continuing as to the possibility of combining the present United Nations—WHO Printing Service with the ILO Service. The issue is, however, complicated by the fact that, since the European Office handles a large volume of printing work on behalf of Headquarters, the proposed co-ordination would not be limited to local work. It is, therefore, a natural interest for prospective participants to determine in advance such questions as the probable annual volume

⁸ See *Official Records of the General Assembly, Sixth Session, Annexes*, agenda item 28, document A/C.2 and 3/103, A/C.5/460.

⁹ *Ibid.*, *Seventh Session, Annexes*, agenda item 26, document A/C.5/504.

of printing on behalf of United Nations Headquarters and the degree of control to be exercised from that source. An alternative arrangement, whereby the joint service would exclude any United Nations Headquarters work, seems inadvisable. The administrative processes for the handling of printing orders would tend to be duplicated, apart from the probable impact on contract rates, which are affected not only by the volume of printing but by the extent to which continuity of work can be guaranteed.

(d) As regards travel services at the European Office, it did not prove possible for the United Nations to become a party to the existing agreement between WHO and the travel agency, which contains certain terms not suited to the requirements of the United Nations. Instead, contractual arrangements similar to those made at Headquarters have recently been put into force.

PROGRAMME OF CONFERENCES

35. Resolution 694 (VII) of 20 December 1952 concerning the programme of conferences at Headquarters and Geneva was adopted by the General Assembly on the recommendation of the Special Committee on Programme of Conferences, the report of which contains the following observation :

"The [Special] Committee considered that it had not the time, the facilities or the authority to examine the precise budgetary implications of specific proposals which came before it. The suggestion was made that any proposals brought forward by the Committee should be considered by the Advisory Committee on Administrative and Budgetary Questions in conjunction with the survey which that Committee proposes to make next year [1953] as to the utilization of services and facilities in Geneva." (A/2323, para 9.)

36. The financial implications of the resolution proposed by the Special Committee were considered by the Fifth Committee on 20 December 1952, when the Chairman of the Advisory Committee stated that, if the proposed resolution were adopted, the Advisory Committee, in the exercise of its normal functions, would carefully review the 1954 estimates, taking into account the views expressed by the Special Committee and its own findings after its survey of the European Office.

37. As directed by the Fifth Committee, the Advisory Committee has confined its review to the programme as approved by the General Assembly. The Secretary-General has taken provisional action to implement the decision of the Assembly ; organs of the United Nations have arranged their 1954 sessions in accordance with a pattern presented by the Secretary-General which has also been examined by several specialized agencies. The Advisory Committee accordingly regards the programme as firmly fixed for the period 1954 to 1957 ; any variations would presumably be authorized only by a special decision of the General Assembly.

38. It is clear that, if judged by the principle which the General Assembly laid down as early as 1948, that sessions of the various organs should normally be held at their headquarters, the fixed programme represents a large additional expenditure. This increase arises mainly because the scale of maintenance operations at Headquarters is planned to accommodate all Headquarters activities of the Organization and, in consequence, most of the maintenance charges are incurred whether or not the sessions of organs are held at New York.

39. Numerous deviations from this principle of the General Assembly have been sanctioned during the past six years. No firm or regular pattern of conferences

has been in existence during that period, and while the Economic and Social Council, for example, held a session at Geneva in each of the years 1948 to 1951, the arrangement was the result of decisions taken annually by the Council and the General Assembly on an *ad hoc* basis, and not in accordance with an established programme. Therefore, the budgetary and administrative advantages of the new programme should be judged not so much by the standard of the original principle as in relation to the situation of fact in which heavy costs were being incurred because of the absence of a pattern. By this standard of comparison, the advantages are substantial.

40. The Secretary-General indicated in January 1953 that the pattern should be regarded as provisional pending consideration of it by the Economic and Social Council, the International Law Commission and other organs concerned (A/2363, paragraph 3). As this procedure has been completed, the Advisory Committee suggests that the Secretary-General should now be authorized to take whatever steps may be necessary to give full effect to the pattern. It is the opinion of the Committee that the decisions of the General Assembly embodied in resolution 694 (VII) would override any conflicting provisions in the statutes or rules of procedure of organs of the United Nations.

41. The fixed programme ensures a fuller and more rational use of conference space at the European Office and, through a better distribution of the conference load, limits the periods during which such space remains unoccupied. Concurrently, however, the transference of the summer session of the Economic and Social Council to Geneva accentuates the problem of conference space at Headquarters that remains unused for a large part of each year. The chambers set aside for the Trusteeship and Economic and Social Councils are used for their primary purposes during only a short period in each year—twelve weeks in the former case and five in the latter. The Committee suggests that this question might be the subject of further study with a view to the most profitable use of this Headquarters space.

42. As already noted, the Fifth Committee requested the Advisory Committee, when surveying the work of the European Office, to have regard to "any decision which the General Assembly may take on the basic pattern of conferences at Geneva". This qualification forms part of the relevant decision of the Fifth Committee.

43. Accordingly, the whole inquiry undertaken by the Advisory Committee and the conclusions recorded in subsequent paragraphs of the present report have been predicated on that consideration. They have been governed by the specific terms of the General Assembly's decisions on the programme of conferences. It is necessary, in the face of three proposals¹⁰ to modify the programme even before the date of its coming into force, to recall the principal factors that led the General Assembly to establish a regular pattern of conferences for the four-year period 1954 to 1957. These factors

¹⁰ (a) The Economic and Social Council has decided to consider at the second part of its sixteenth session (to be held during or shortly after the eighth regular session of the General Assembly) an invitation from the Government of Argentina for the Council to hold one of its 1954 sessions at Buenos Aires ; (b) the International Law Commission proposes to hold its next session at Geneva for a period of ten weeks beginning on 17 May 1954 ; and (c) the Trusteeship Council has requested the General Assembly to reconsider its decision concerning the programme of conferences at Headquarters and Geneva in order that the Trusteeship Council and the Economic and Social Council might hold their summer sessions at Geneva alternately.

are set out in the preamble to resolution 694 (VII), where reference is made in the first place to the necessity of firmly fixing a long-term pattern of conferences to permit of the rational and economic distribution of meetings between Headquarters and Geneva, as well as the proper use of staff and conference facilities. Extensive arrangements have already been made for the transfer to Geneva of a substantial number of Headquarters languages posts, as the direct consequence of the decision of the General Assembly. In so far as the temporary staff for visiting conferences at Geneva is concerned, it has repeatedly been represented to the Advisory Committee that, in default of a fixed pattern, there is great difficulty in building up a regular and qualified cadre of such staff, particularly in view of the increasing demands for temporary conference staff that are being made on behalf of various international organizations in Europe. In support of this contention, the difficulties experienced at Geneva through the sharp variation during 1952 in the normal conference schedule have been cited to the Committee. As regards the proper use of conference facilities, the Committee takes under consideration the budgetary consequences that would result, for example, from the adoption of the proposal referred to above, according to which the Economic and Social Council, during one of its 1954 sessions, would use neither the facilities at its Headquarters seat nor those at Geneva foreseen in the fixed conference programme.

44. The preamble to the Assembly resolution refers in the second place to "the importance to the United Nations and the specialized agencies of having a regular conference pattern". It may be noted that the objectives which the Special Committee on Programme of Conferences had before it included the following: the most effective use of available facilities at Geneva and at Headquarters; economy in connexion with meetings held outside Headquarters; an increased use of common services between the United Nations and the specialized agencies, and a stabilized workload, both at Geneva and at Headquarters. The Special Committee also took account of the advantages that many of the specialized agencies would derive from a fixed pattern: for example, the summer sessions of the Economic and Social Council, if held at Geneva, would ensure a fuller representation of specialized agencies, a more effective programme co-ordination, and a reduction in the travel costs of representatives.

SERVICES PROVIDED BY THE EUROPEAN OFFICE :
APPROXIMATE DISTRIBUTION OF COSTS

45. For the purposes of the present enquiry, the Director of the European Office submitted to the Advisory Committee an analysis allocating to the various "substantive activities" ¹¹ the 1954 estimates for part IV of the budget (sections 20 and 20a), with the exception of the estimates for permanent equipment in chapter VII of section 20 and for the branch offices of the High Commissioner for Refugees in chapter II of section 20a.

46. It is not thought necessary in the present report to describe in detail the method followed for the distribution of costs, particularly since the figures in the table below represent no more than an approximate allocation. In the first place, the workload statistics on which the ratios by activity were calculated were those for 1952, a year when comparatively few visiting conferences were held at Geneva. These ratios were then applied to the estimates for 1954, when a far heavier programme of visiting conferences is anticipated. In the second place, the process of determining the ratio in which to spread certain expenditures is necessarily a somewhat arbitrary one. This consideration applies with particular force to the administrative overheads and to certain fixed charges. Expenditures for the Offices of the Director and Deputy Director, Registry, Administrative and Financial Services, Control, Inventory and Storekeeping Sections, Medical Service, Gardens, etc., comprise a group of expenditures that cannot readily be charged to substantive activities. It was represented to the Committee that items in this group might appropriately be entered under a separate heading—"Administrative overheads and undistributable"—since the spreading of such expenditures might prove misleading. In the attached table, though allocated to substantive activities, the items are reproduced in a separate column and are subject to the foregoing reservations.

¹¹ The term "substantive activities" is here used in a wide sense to cover activities such as the following, among many others: Economic Commission for Europe (secretariat and meetings); Library; Information Centre; visiting conferences; other Headquarters work; Geneva Office of the High Commissioner for Refugees and his Advisory Committee; specialized agencies and their meetings.

COST OF PROJECTS
(Approximate distribution of the 1954 estimates)

Project	Directly allocable costs	Costs related to service sections	Administrative overheads, etc.	Total cost
Dollars (US)				
Liaison Unit	38,352	2,384	2,925	43,661
Library	143,493	40,081	28,810	212,384
Bureau of Missing Persons and Declaration of Death	13,864	1,473	1,650	16,987
Information Centre	117,696	90,418	25,932	234,046
Permanent Central Opium Board and Drug Supervisory Body (joint secretariat and meetings)	63,511	26,157	9,684	99,352
Economic Commission for Europe (secretariat and meetings) ..	1,237,101	861,540	229,236	2,327,877
Visiting conferences	169,947	213,882	44,590	428,419
Other Headquarters work	1,774	76,284	32,339	110,397
Visitors' service	8,400	—	378	8,778
General office of the High Commissioner for Refugees and his Advisory Committee	346,387	58,758	40,063	445,208
TAA (Geneva) and TAA meetings	8,377	77,635	25,928	111,940
TAB (Geneva) and TAB meetings	3,541	31,474	15,855	40,870
Specialized agencies and their conferences	32,502	483,483	208,681	724,666
United Nations relief agencies	395	6,175	3,188	9,758
TOTAL	2,185,340	1,959,744	669,259	4,814,343

STAFFING OF THE EUROPEAN OFFICE

47. The table in paragraph 14 above shows the distribution of staff for the years 1948 to 1954 by chapters of the appropriation sections. The corresponding distribution by unit or division is as follows :

Unit or division	Number of established posts						
	1948	1949	1950	1951	1952	1953 (proposed)	1954 (proposed)
Office of the Director	10	12	10	9	9	8	8
Office of the Deputy Director	5	5	4	4	4	4	3
Languages and Stenographic Division	131	134	135	139	137	142	163
Documents, Registry and Distribution Division	75	74	74	78	81	81	84
Publications and Sales Division	19	19	19	20	20	20	22
Purchase, Supply and Transportation Division	27	29	28	29	30	29	30
Administrative and Financial Services	38	33	31	30	30	30	34
	305	306	301	309	311	314	344
Building Management Division	51	56	62	62	85	89	89
Building Manual Workers*	37	39	40	41	49	49	50
	88	95	102	103	134	138	139
Library	20	20	20	21	23	23	23
Bureau of Missing Persons and Declaration of Death	—	—	—	—	2	2	2
Information Centre	12	17	15	14	14	13	13
Joint Secretariat of the Permanent Central Opium Board and Drug Supervisory Body	7	7	7	7	7	7	8
Economic Commission for Europe	158	174	172	157	154	154	155
Office of the High Commissioner for Refugees (Geneva office)	—	—	—	40*	42*	42*	42*
Technical Assistance Administration	—	6*	6*	8	15	15	14
	197	224	220	247	257	256	257
Joint Medical Service	—	—	1*	5	5	5	5

* Excluding half-time cleaners now covered under casual labour.

* Excluding staff of the branch offices, who, however, do affect the workload of certain Geneva services.

* Advisory Social Welfare Unit.

* The cost of the health service was charged during 1950 partially to common staff costs and temporary assistance.

48. Two major increases shown in the above table call for comment: in the Languages and Stenographic Division the proposed increase of twenty-one posts between 1953 and 1954 is due to the transfer from Headquarters of that number of language posts, in connexion with the adoption of a fixed conference programme, while the increase of twenty-seven posts in the Building Management Division between 1950 and 1953 ran parallel with a steady expansion in the use of the Secretariat building (mainly through the growth of WHO), culminating in the addition to the building of a new wing.

49. As regards the comparative classification of posts at the European Office and at Headquarters, the Advisory

Committee is satisfied that, apart from a few cases of individual anomalies, a broadly equivalent grading has been achieved at the two offices, except that (a) proof-readers are at the Assistant Officer level whereas identical work is classified one and two levels higher at Headquarters; and (b) a certain amount of work which is graded as "junior professional" at New York is performed by senior clerical staff at the European Office.

50. To supplement the foregoing table, information is submitted below on the number of meetings held during the years 1948 to 1952, together with the amounts expended for temporary assistance under chapter I of section 20—General Services.

Year	Temporary assistance Dollars (US)	Number of individual meetings					Total number of meetings
		Visiting conferences		Geneva-based bodies			
		United Nations	Specialized agencies (non-Geneva- based)	United Nations	Specialized agencies		
1948	138,075 (net)	480	240	700	522	1942	
1949	213,443 (gross)	508	—	621	784	1913	
1950	288,013 (gross)	616	23	479	928	2046	
1951	346,889 (gross)	733	—	530	865	2128	
1952	84,311 (gross)	356	—	527	994	1877	

51. It should, however, be noted that these meetings differ widely in nature. Thus at one extreme may be cited an ILO Conference meeting, for which the requirements are limited to certain technical services and

the provision of conference space, and at the other a plenary meeting of the Economic and Social Council, for which full servicing is necessary. Similarly, wide variations occur as regards the relationship between the

number of meetings and the volume of work resulting for the various Geneva services. Therefore, the number of meetings (unless individually analysed) does not by itself constitute a reliable criterion. This may be illustrated by the comparative workload figures for certain units in the European Office during the years 1950 and 1951, which show that an increase in the number of meetings does not necessarily run parallel with the increase in output of work :

	1950	1951
Total number of meetings	2,046	2,128
Pages of translation	55,135	64,017
Pages of minutes	14,079	17,199
Pages of typing	289,551	322,927

Nevertheless a direct, if somewhat approximate, relationship exists between the number of meetings of visiting conferences and the actual workload of the European Office, the normal establishment of which, during the years 1948 to 1953, was based on the assumption that there would be no more than a few small visiting bodies at that Office. Thus, the lower figure for 1952 conferences, reflecting the interruption in the series of yearly sessions of the Economic and Social Council, also reflects with accuracy a lighter workload in respect of such conference.

52. The number of meetings held or to be held in the Palais des Nations during 1953 is shown in the following table :

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Estimated			Held Jan.-Sept.	Estimated Oct.-Dec.	Total for 1953
										Oct.	Nov.	Dec.			
Economic Commission for Europe	33	42	29	38	45	78	43	10	35	50	55	20	353	125	478
Economic and Social Council							104	13					117		117
Commission on Human Rights				32	40								72		72
International Law Commission						25	26	11					62		62
Other United Nations bodies	2		8	7	35	5	40	75	7		20	30	179	50	229
	35	42	37	77	120	108	213	109	42	50	75	50	783	175	958
Specialized agencies and similar bodies	65	18		31	95	296	37	33	53	145	10		628	155	783
TOTAL	100	60	37	108	215	404	250	142	95	195	85	50	1,411	330	1,741

53. The details of the 1954 conference programme as a whole are not at present known. As indicated in paragraph 43 above, proposals have been put forward in three United Nations bodies—the Economic and Social Council, the Trusteeship Council and the International Law Commission—which, if adopted, would lead to a radical change in the conference pattern. On the assumption that the programme approved by the General Assembly will be maintained, its main outlines as regards the European Office will be as follows :

(a) Conferences held under the regular pattern

	1954	Number of members
(i) Statistical Commission (three weeks)	March-April	15
(ii) Economic and Social Council (six weeks)	June-August	18

(b) ECE meetings

(i) Economic Commission for Europe (three weeks)	March	18
(ii) Other ECE meetings: two daily throughout the year (except during ECOSOC session); plus not more than two meetings daily by special arrangement.		—

(c) Other meetings

Advisory Committee of the High Commissioner for Refugees	15
Permanent Central Opium Board	8
Drug Supervisory Body	4
Specialized agencies	—

It is assumed that the number and size of the meetings in group (c) will follow the pattern of 1953.

(d) Supplementary meetings

It is probable that, as in previous years, the 1954 programme will include meetings of small Headquarters-based bodies, which are frequently assigned to the

European Office at short notice. The Advisory Committee recommends that every effort should be made to arrange any such meetings that they shall not overlap with other conferences foreseen in the fixed programme, and, where possible, to schedule them for the winter months when there is a greater possibility of economical servicing.

IMPACT OF THE CONFERENCE PATTERN

54. The regular pattern of conferences provides that, during the period 1954 to 1957, sessions of all Headquarters-based bodies are to be held at New York and sessions of all Geneva-based bodies are to be held at Geneva, with the following exceptions :

(a) Summer session of the Economic and Social Council to be held at Geneva;

(b) Functional commissions of the Economic and Social Council (preferably not more than one) to hold sessions at Geneva, without overlap, for a total of not more than five weeks between mid-March and the end of April;

(c) International Law Commission may hold its session at Geneva provided this does not overlap with the summer session of the Economic and Social Council.

55. In view of this decision, the Advisory Committee examined, as a principal point of its inquiry, the impact which a summer session of the Economic and Social Council has on the workload of the European Office. Such a session, which both in duration and in the volume of language services to be provided, exceeds that of any other conference normally held at Geneva, affords a useful criterion by which to determine the additional work involved in a visiting conference.

56. A study of the development of the European Office and of the project costs set out in paragraph 48 above indicates that the Economic Commission for Europe

occupies a pre-eminent position within that Office, and that the Office has in a sense grown up around the Commission. A high priority is accordingly given to the work of the Commission. As from 1954, meetings of ECE will be suspended during the summer session of the Economic and Social Council, with a consequent slackening of its activities. Otherwise, apart from the additional effort required between the autumn of one year and the spring of the next for the preparation of the *Economic Survey*, ECE has arranged its programme so as to spread its work evenly over the major part of the year.

57. As regards the servicing of meetings of specialized agencies, it was argued in paragraph 51 above that the number of meetings is not a reliable basis on which to measure workload. This consideration applies in particular to agency meetings, since, while no specialized agency receives all the services available at the European Office, the volume of services called for by the several agencies shows a wide disparity, with ILO requiring virtually no services beyond conference space and WHO receiving a variety of services (conference accommodation, documents reproduction and distribution, printing, etc.) apart from other non-conference services arising out of its occupancy of office space within the Palais.

58. Similarly, the proportion of the services of the European Office that are furnished to the specialized agencies as a whole varies widely. For example, approximately 40 per cent of the distribution and reproduction services have been engaged during recent years on such work whereas no interpreting or pool work is done on behalf of the agencies (though individual interpreters are frequently hired out) and little translation. From a budgetary point of view, the proportion of European Office resources allocated to the agencies may be estimated approximately at 15 per cent.

59. Two other matters bearing directly on the temporary assistance appropriation under chapter I of the European Office budget (section 20) were considered :

(a) the extent to which "local" work for Geneva-based bodies may be postponed without detriment during a session of the Economic and Social Council ; and (b) the question whether substantive units are in a position to assign staff for the servicing of visiting conferences, and especially for the session of the Council. As regards the former question, it was represented to the Committee that the postponement of work can advantageously be effected only to a limited extent, since conferences call for the preparation of documents not only during but before and after their sessions ; postponement might therefore lead to a congestion of services at other periods of the year with a consequent increase in temporary assistance expenditure. While the bulk of the work in question is done on behalf of ECE and other Geneva-based bodies of the United Nations, formal obligations also exist towards the specialized agencies and it is the accepted policy of the General Assembly to seek the fullest possible co-ordination among the United Nations and the agencies. Where services such as reproduction and distribution are concerned, it must be the aim of the United Nations to provide a service not less good than the separate one that an agency might itself have organized. This basic assumption, inherent in a common service, makes it impracticable—except by mutual agreement—to reduce that service to Geneva-based agencies in order to make room for the requirements of the Economic and Social Council.

60. The Advisory Committee found greater difficulty in reaching a conclusion on the second question : whether

substantive staff in the European Office might usefully be assigned to the servicing of the session of the Economic and Social Council. The question may be considered in relation to the secretariat of ECE as the largest of the Geneva substantive units—with seventy-five Professional and eighty General Service posts proposed for 1954. The Committee understands that, because of the relatively lighter workload of ECE during the summer session of the Council, much of the leave of the Commission's secretariat is arranged for that period, but it seems reasonable to assume that some secretarial services might be made available to the Council. The question appears to be one of internal administration : to determine whether a rearrangement of leave schedules and a partial deferment of work are feasible. Similar considerations apply, though in varying degree, to other substantive units, for example, the Joint Secretariat of the Permanent Central Board Opium and the Drug Supervisory Body and the Office of the High Commissioner for Refugees.

61. The Committee also draws attention to certain factors that have an important bearing on temporary assistance expenditure for visiting conferences. Prior to the adoption of a fixed conference pattern, the European Office had to prepare, in respect of each visiting conference, a separate estimate far in advance of the probable date of its session. Since the Geneva establishment was geared to a "local" workload allowing only a slender margin for visiting conferences, the estimate had to cover almost the entire conference staff. Although on occasions it was found possible subsequently to increase the number of conference staff contributed from the permanent establishment, experience showed that the reduction thus effected in the conference budget was frequently offset either by a larger outlay on temporary assistance later required for work that had been postponed or by a loss of revenue on loans of staff to specialized agencies. A further difficulty that was encountered under a movable conference programme arose in cases where the sessions of two or more visiting conferences overlapped. While the over-all contribution of the European Office, and consequently the global cost of such conferences to the United Nations, was not affected, the distribution of that contribution was a matter of arbitrary decision. Thus, in the case of the overlap that occurred between the 1953 session of the Economic and Social Council and that of the International Law Commission, the staff contributed by the European Office was allocated in widely different proportions to each body, the cost of which therefore varied widely according to the method of allocation.

62. With the introduction of a fixed pattern, it will be possible to estimate the European Office's contribution to the staffing of conferences with far greater precision ; neither the dates nor the requirements of conferences will be subject to other than minor variations, and the European Office will thus be enabled to plan both the local work programme and the leave schedules of the staff on a long-term basis. For these reasons, as well as for those stated in earlier paragraphs, the Advisory Committee cannot but bear in mind the directive of the General Assembly to the effect that no major deviation from the pattern should be approved during the four-year period prescribed by the Assembly.

STAFF REQUIREMENTS FOR THE 1954 SUMMER SESSION OF THE ECONOMIC AND SOCIAL COUNCIL

63. The table reproduced below is based on information submitted by the Director of the European Office in respect of the 1954 Geneva session of the Economic and Social Council.

	Total requirements for the Economic and Social Council session	Established posts at European Office	European office contribution	Headquarters contribution	Estimate to be provided out of temporary assistance	Estimated amount of temporary assistance Dollars US
	A	B	C	D	E	F
Interpreters	17	8	7	10	—	34,496 (for languages staff)
English translators/précis-writers	10	10	4	2	4	
French translators/précis-writers	12	15	9	0	3	
Spanish translators	12	3	3	0	9	
Russian translators	1	7	0	0	1	
English revisers	4	4	1	1	2	
French revisers	4	6	3	0	1	
Spanish revisers	4	1	1	0	3	
English editors	3	0	0	0	3	
French editors	3	0	0	0	3	
Spanish editors	3	0	0	0	3	
Clerks for Spanish Section	3	0	0	0	3	22,528 (for secretarial staff)
English steno/typists	21	33	9	0	12	
French steno/typists	24	37	14	0	10	
Spanish steno/typists	24	4	4	0	20	
Spanish Pool supervisors	2	0	0	0	2	
Russian typists	2	15	0	0	2	
Proof-readers	3	7	3	0	0	
Copy-holders	1	2	1	0	0	
Distribution clerks	7	23	1	0	6	13,112 (for all other Conference staff)
Duplicating service messenger..	1	0	0	0	1	
Duplicating staff	22	29	2	0	20	
Simultaneous interpretation operators	4	0	0	0	4	
Huissiers	23	60	6	0	17	
Chauffeurs	3	3	0	0	3	
Cleaners	14	49	2	0	12	
<i>Secretarial and clerical assistance for Headquarters substantive staff:</i>						
Editorial assistant	1	.			1	9,856 (Secretarial assistance for Headquarters substantive staff)
Bilingual secretaries	9	-	0	5	9	
English secretaries	7				7	
French secretary	1				1	

* The established posts have been entered against other items in the above table, e.g., "English steno/typists".

64. While the total requirements for the Council session cannot be calculated with precision pending the preparation of a detailed agenda, the experience of past sessions is reflected in these estimates. The requirements are based on the rules of procedure of the Council and on standards of conference servicing dictated principally by those rules. It has been suggested to the Committee that an appreciable economy might be achieved by an amendment of the rules, for example, through the replacement of the summary record by a fuller and more detailed rapporteur's report which, combined with the sound recording, would perhaps constitute an adequate record of the proceedings. The Committee considers that this suggestion has merit and, while recognizing that its immediate application to the Council or to the Main Committees of the General Assembly might present difficulties, it recommends that a trial of the system should initially be made in smaller, subsidiary bodies of the General Assembly and of the Council.

65. In the following paragraphs the principal elements in the above table of estimated requirements are analysed. The table comprises four groupings: (1) languages staff; (2) secretarial (languages) staff; (3) all other conference staff; and (4) secretarial assistance for the Headquarters substantive staff. Although, for

estimating purposes (both under section 20 and section 3), there are certain factors common to all four groups, other factors bear on only one or two of the groups. For example, the duration of the session is a general factor, whereas the incidence of home leave affects the first and fourth groups, possibly also the second group, but not the third. Similarly, the size of the fourth group is directly related to the number of Headquarters substantive staff assigned to the session; in the case of the remaining groups this factor comes into play only indirectly. If, however, the number of Headquarters substantive staff is excessive, the demands on the European Office for conference and administrative services are unjustifiably increased.

66. Apart from the exceptions mentioned below, the total requirements in column A of the table appear to be estimated with sufficient accuracy. Accordingly, the Advisory Committee recommends a major adjustment only in the case of the fourth group, the size of which—for the reason indicated in paragraph 65—is not within the direct control of the European Office.

Interpreters.

67. The figure in column A is based on two interpreters per booth for four languages, servicing four

meetings a day, with one additional interpreter as a reserve in case of illness. During the period 30 June to 1 August 1953 the actual record of meetings of the Economic and Social Council was as follows :

	<i>Number of full working days</i>
5* meetings	3
4 meetings	13
3 meetings	7
2 meetings	1
	<hr/>
TOTAL	24
	<hr/>
	<i>Number of half-days</i>
2 meetings	2
1 meeting	3
	<hr/>
TOTAL	5

* Where five meetings were serviced in one day, not more than two were held concurrently, but the combined workload of the two consecutive meetings was larger than that of one meeting of normal length.

68. The maximum of sixteen interpreters was therefore required on sixteen out of twenty-four full working days within that period; on seven such days the full team was required for a part of the day; and on one full day and three half-days, only 50 per cent of the team was required. On this showing, it does not seem indispensable to provide for a replacement in case of illness, and it is accordingly recommended that the figures in columns A and D be reduced respectively by one, with a corresponding reduction in section 3.

69. The item for interpretation in the budget of the Geneva session of the Council affords a concrete example of the advantages of a fixed conference programme. Inasmuch as ECE will hold no meetings during the Council session, the full Geneva team of interpreters (less one on annual leave) can be made available for that session, with a consequent decrease in the assignment of Headquarters interpreters.

Translators/précis-writers

70. The English and French translators/précis-writers may be considered jointly since, with the exception referred to in paragraph 75 below, the problems connected with their workload are similar in kind though not in degree. By comparison with the previous item relating to interpreters, it is more difficult to fix the exact proportion of the permanent establishment to be contributed to the Council session. This is due to the fact that, whereas the interruption, for example, of ECE meetings for the duration of the Council session is automatically accompanied by the immediate withdrawal of the interpreting staff, a similar and immediate suspension of translating services is not possible in the case of ECE or other Geneva-based body of the United Nations. Such bodies must continue to function, albeit at a lower tempo; documents have to be prepared and, if a subsequent congestion of work is to be avoided, translated for meetings later in the year. The reduction in workload is due to the fact that neither précis-writing nor translation is needed for those meetings which have been interrupted. To the extent, however, that meetings which otherwise would be held, for example, during July are postponed, the volume of preparatory work (often representing a considerable part of the whole) may actually increase during the Council's session. This factor has a bearing on the reduction resulting from a suspension of meetings.

71. Certain other aspects of the problem of postponing the work of substantive units in favour of the requirements of the Economic and Social Council may here be touched upon. To determine the relative importance or urgency of documents submitted by substantive units is not always an easy administrative task where such units are vying for services that temporarily cannot meet the demand. In this respect (given the existing organizational structure), the working arrangements at the European Office appear to be adequate. To cite but one unit, the necessary co-operation exists between ECE (one of the major users of the translation service) and Conference and General Services, with the result that requests for translation have only occasionally to be refused. There is also a well established practice whereby, in suitable cases, the translators make brief summaries of long technical articles or reports in order to determine whether or not a full translation is justified. Nevertheless, a large portion of the documents submitted by ECE and other substantive units consists of official documents requiring translation in full by a given date. This circumstance makes it necessary, even during the Council session, to assign a number of English and French translators to "local" work.

72. The following staffing arrangements are planned in the English section for the 1954 session of the Council :

Established posts	10
Required for :	
(a) Translation work for ECE and other Geneva-based bodies	4
(b) Editing	1
On leave	1
	<hr/>
Available for ECOSOC	4

73. No established posts for editors are included in the manning tables of the European Office. During the session of the Council, one English and one French translators/précis-writers are engaged in the editing of the records of other bodies, whether Geneva-based or Headquarters-based, that have met previously, this work being combined, where necessary, with current translation work.

74. While similar considerations apply—within broad limits—in both the sections under review, account must be taken of the increase proposed for 1954 in the establishment of the French section through the transfer from Headquarters of five posts of French translators and two posts of revisers. This transfer, as well as a parallel one proposed for the Spanish section, is intended for the following purposes : (a) for translation work emanating from Headquarters ; and (b)—as a part of function (a)—for assistance to the Economic and Social Council and its functional commissions during their Geneva sessions. Consequently, this auxiliary staff will not be available for "local" work or for the liquidation of arrears accumulated during those sessions; it does, however, directly affect the European Office contribution (column C) and the temporary assistance provision (column F).

75. For 1954, three posts of Spanish translator and one post of Spanish reviser are proposed for transfer from Headquarters to the European Office, for the purposes stated in the previous paragraph. As regards the additional Spanish language requirements, it may be noted in column D of the table that the total of language staff to be assigned from Headquarters (thirteen) differs from the figure of twenty-four estimated under section 3, chapter I, of the 1954 estimates. This discrepancy,

which arises out of the fact that it has proved possible, since the preparation of the budget estimates, to arrange for the local recruitment of Spanish translators and Spanish language staff (in lieu of their assignment from Headquarters), is also reflected in the insufficiency of the temporary assistance item in chapter I of section 20, which provides \$62,000 (including \$7,000 for Spanish translation) for the session of the Council against a total estimate in the above table (column F) of approximately \$80,000. An appropriate adjustment between sections 3 and 20 is necessary.

Stenographers and typists

76. In the second group the temporary assistance estimates for the English, French and Spanish stenographic and typing pools represent by far the largest items of expenditure. Among the principal factors to be considered is the ratio of stenographers to translators/précis-writers. During a busy conference such as the Council session, document production can be maintained at the necessary rate only if translators and précis-writers can dictate as and when they are ready. Any undue delay will upset the strict time-schedule. The normal Geneva ratio of $1\frac{1}{4}$ stenographer per translator/précis-writer can be dropped to 1 : 1 with a large staff or where (as in the case of a body meeting only once daily) the production schedule is more elastic. The higher ratio of $1\frac{1}{2}$: 1 is considered necessary in the case of plenary meetings of the Council in order to ensure the punctual printing of the summary record.

77. A related question concerns the use of dictating machines in the language sections. To the extent that the use of such machines increases, the ratio of stenographers to translators/précis-writers can be reduced, with a consequent decrease in the temporary assistance provision. The arguments presented against their use were, first, that since 50 per cent of the translation and over 70 per cent of the stenographic staff were temporary staff, it would accentuate the difficulty of recruitment if familiarity with dictating machines were added to the other qualifications, apart from the virtual impossibility of combining permanent staff trained in the use of such machines with a temporary staff not so trained; and secondly, that the cost of amortizing machines used for only a small fraction of each year would be prohibitive. The Advisory Committee is not altogether convinced by these arguments and suggests that a fuller use should be made of the existing machines, and that, in the light of that experience and subject always to the cost consideration, the introduction of more dictating machines might be studied.

78. Apart from the local workload, which continues in the stenographic, as in other, sections throughout the Council session, two other factors govern the European Office contribution of stenographers/typists. The first is the system of detaching stenographers from the pool when additional stenographic services are urgently required in a substantive or other unit. The Stenographic Section acts as a secretarial pool for the entire European Office and is not concerned solely with conference activities. It provides leave replacements, sick leave replacements and reinforcements required by sections due to unexpected increases in the workload. It also supplies secretarial assistance for officials, visiting Geneva for

short periods, for whom no special secretarial arrangements have been made. The second factor is the amount of annual leave permitted to be taken during the Council session. As regards the Stenographic Section, such leave is based on a year-round roster, with the average for July representing one-half of that authorized as a monthly average for the remainder of the year.

79. The Advisory Committee suggests nevertheless that the requirements for the English and French pools may be met by a larger contribution from the European Office (column C of the table) consisting of fourteen English and sixteen French stenographer/typists, with a corresponding reduction in column E from twelve to seven and from ten to eight respectively. It is, of course, understood that adjustments, either upward or downward, would be required in the event of a marked fluctuation in local or Council demands, such as occurred during 1953 through an abrupt increase in the volume of ECE documentation.

Other conference staff

80. Although most of the staff requirements in the third group, as estimated by the Secretary-General, have to be met out of temporary assistance fund (sixty-three out of seventy-four), the local recruitment of personnel for short terms and at short notice is not, as in the case of the first two groups, a matter of difficulty.

81. In so far as the distribution and reproduction sections are concerned, the local workload is a factor of high importance, both services being engaged on work for WHO as well as for ECE and other United Nations Bodies. To give an absolute priority to the work of the Economic and Social Council is neither possible nor desirable, first, because the promotion of common services with the specialized agencies is the established policy of the General Assembly, and, secondly, because were all except Council work to be laid aside during the Council's session, the accumulated arrears (apart from representing a damage to substantive services) would automatically entail an increase in temporary assistance.

82. As regards the estimate for *huissiers*, the Committee considers that a reduction in the total (column A) from twenty-three to twenty could be made without detriment to the high standard of service maintained at the Palais des Nations, and that ten of the twenty *huissiers* should be contributed by the European Office (column C), the temporary assistance item (column E) being reduced accordingly by seven.

Secretarial assistance for Headquarters substantive staff

83. Comment is offered in paragraphs 86 to 89 below on the number of substantive staff to be assigned from Headquarters to the 1954 session of the Economic and Social Council, as well as on the volume of secretarial assistance that is proposed for such staff members.

Budgetary implications (session of the Economic and Social Council)

84. The following table shows the effect on the proposed temporary assistance provision in section 20, chapter I, of the recommendations submitted by the Advisory Committee :

STAFFING REQUIREMENTS FOR THE 1954 SESSION OF THE ECONOMIC AND SOCIAL COUNCIL: ADJUSTMENTS RECOMMENDED BY ADVISORY COMMITTEE

	Total requirements	European Office contribution	Headquarters contribution	Temporary assistance	Decrease as compared with European Office's estimate	Decrease on section 20, chapter I Dollars (US)
Interpreters	16	7	9	—	1 (on total Headquarters)	
English steno/typists	21	14	—	7	5 (on temporary assistance)	2,400
French steno/typists	24	16	—	8	2 (on temporary assistance)	800
Huissiers	20	10	—	10	7 (on temporary assistance)	1,500
					TOTAL DECREASE	4,700

Assignment of substantive staff from Headquarters to Geneva sessions of the Economic and Social Council and other bodies

85. For the 1953 Geneva session of the Council, forty-seven substantive and secretarial staff (excluding staff of the Technical Assistance Board) were assigned from Headquarters. An analysis by department and post levels follows:

Department	ASG	P-D	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Secretarial	Total
Executive Office of the Secretary-General	—	1	—	—	—	—	1	—	—	—	2
Economic Affairs and Social Affairs	1	1	4	2	10	3	3	—	—	3	27
ECOSOC secretariat	—	—	—	1	2	3	1	2	1	1	11
Technical Assistance Administration	1	—	—	—	—	—	1	—	—	—	2
Trusteeship	—	1	—	—	—	—	—	—	—	—	1
Legal	—	—	—	—	1	—	—	—	—	—	1
Public Information	—	—	—	—	—	1	—	1	—	—	2
Administrative and Financial Services ..	—	—	—	—	1	—	—	—	—	—	1
TOTAL BY POST LEVEL	2	3	4	3	14	7	6	3	1	4	47

86. The corresponding number proposed by the Secretary-General for the 1954 session is forty-eight. Assuming that rather more than one in three staff members combine home leave travel with attendance at the session, travel and subsistence costs will amount to about \$44,000. Account must also be taken, as regards staff members not on home leave travel, of time spent in transit from New York to Geneva and return, as well as of possible delays before a particular agenda item comes up for consideration.

87. Over certain of these factors the Secretary-General can exercise little or no control. They are factors of unavoidable expenditure inseparable from the holding of sessions away from Headquarters. For example, an agenda item for which a particular staff member has been assigned from Headquarters may be postponed without notice. This is a matter of no consequence if the official is at his headquarters, but elsewhere he will find difficulty, during this period of waiting, in substituting for his special assignment the routine work that otherwise would be performed as a part of his ordinary duties.

88. The Advisory Committee considers, in addition, that the number of substantive staff assigned to such sessions is excessive, and that, except for the secretariat of the Council, which might reasonably be held to a maximum of eight staff members, the representation of the Secretary-General can be, and should be, entrusted exclusively to staff members in the categories of Assistant Secretary-General and of Director and Principal Officer. Officials at that level are in the closest touch with the

day-to-day work of divisions and departments and are therefore in a position, where necessary with a full briefing, to deal with whatever questions may arise during a Council session.

89. On this basis, the Committee recommends that every effort should be made henceforth to limit the number of substantive and secretarial staff assigned to the Council's Geneva session to a maximum of twenty-five, with a corresponding limitation applying to the Geneva sessions of other bodies. It is suggested that the Secretary-General may wish during the coming year to consult the bodies concerned so that their full co-operation may be assured in this measure of economy and sound administration. This recommendation is made on the assumption that as full assistance as possible will be rendered by the ECE staff during the Geneva session of the Council, and that, if the recommendation is approved, an adjustment will be made in the volume of secretarial assistance to be temporarily engaged for the seconded staff.

PHYSICAL ARRANGEMENTS IN THE PALAIS DES NATIONS

90. The Ariana site, on which the Palais des Nations stands, covers a total area of 248,829 square metres (2,678,308 square feet). The United Nations also owns four adjoining properties¹² which are at present let to

¹² "Les Feuillantines", "La Fenêtre", "La Pelouse", "Le Chêne". By resolution 674 (VII) of 21 December 1952, the General Assembly authorized the Secretary-General to negotiate with the Cantonal authorities of Geneva for the exchange of "Le Chêne" for the property called "Le Bocage".

United Nations delegations and international organizations and which produced in 1952 a rental income of \$17,563.

91. The Palais des Nations, comprising an Assembly hall, Council building, Secretariat building and Library building, has a total floor area, including basements, of 76,460 square metres (822,709.60 square feet). More than a third of the whole (22,344.58 square metres (240,427.46 square feet) represents corridors, staircases, galleries and entrance halls. 25,175.40 square metres (270,887.30 square feet) are taken up by workshops, storage space, lavatories, telephone booths, cafeteria and restaurant. 5,200 square metres (55,972 square feet) are accounted for by conference rooms and 3,000 square metres (32,280 square feet) by the public reading rooms in the library, press rooms and similar premises.

92. The floor area of the office space in the building is thus well under one third of the whole, viz. 20,740.02 square metres (223,162.61 square feet). Even this latter figure does not represent the office capacity available for permanent secretariats, since it includes the office space in the Assembly building (3,082 square metres (33,224.53 square feet)), a fifth of which is—by reason of its remote situation—of little practical value, and none of which can be permanently occupied. This last circumstance is due, in the main, to two factors: first, that ILO is entitled under the Common Plan to the use of office accommodation in the Assembly building throughout its annual conference and, secondly, that it is the practice to allocate such space to WHO also, in connexion with the annual World Health Assembly and other meetings, as well as to the delegations and secretariats of visiting United Nations conferences and other specialized agency conferences.

93. There are in all fourteen conference rooms of different sizes in the Palais, but only four—the Assembly hall, Council chamber, room V and room VII—are equipped for simultaneous interpreting. All these rooms are intensively utilized during certain limited periods in each year but, as is illustrated by the following figures (which relate to the rooms equipped for simultaneous interpreting), the ratio of actual use to maximum possible use is small:

	Percentage of occupation		
	1951 (280 workings days)	1952 (280 workings days)	1953 up to 30 Sep- tember (210 workings days)
Assembly hall	9	10	11
Council chamber	16	8	52
Room V	42	34	34
Room VII	55	38	44

94. An appreciable increase in the use of the conference space does not seem likely under existing arrangements. WHO and ICITO/GATT already use the Palais for all their Geneva conferences, while the accommodation within the ILO building is adequate for all the Geneva conferences of the organization, with the exception of its annual conference. The International Telecommunication Union has for some time been considering the possibility of making use of the conference accommodation at the Palais, but it has not yet decided to vary its present practice of holding a large proportion of its conferences outside Geneva.

95. Excluding that in the Assembly building, the total area of the office space in the Palais available for permanent occupation is therefore 17,658.02 square

metres (190,000.29 square feet). This space consists of 728 rooms of sizes varying from 12.5 square metres (134.50 square feet) to 130 square metres (1,398.80 square feet).

96. The allocation of these 728 offices is the following:

WHO	275
Post Office, Bank, Medical Service, Archives, etc.	34
Allocated on a temporary basis, and occupied on an average during six months of the year	42
Available for staff of the European Office, Office of the High Commissioner for Refugees, etc.	377

97. These 377 offices are occupied by a total of 656 staff members, giving an average of 1.74 staff member per office with an average space occupancy of 13.50 square metres (145.26 square feet) per head. However, during considerable periods in each year the conference services of the European Office are heavily augmented, and this temporary staff is in the main accommodated in those parts of the Secretariat building that are permanently assigned to the services concerned. Thus, during the summer conferences, reinforcements in the conference services reach a figure of approximately 100 and the occupancy co-efficients rise accordingly to 2.04 staff members and 11.4 square metres (122.66 square feet) per head.

98. The following table shows the allocation of office space by grades of staff members in the substantive and administrative services:

	H	C	R	P	D	D	D	D	P	P	P	P	P	G	G	G	G	G	G	G	Total
1 in an office	1	2	3	7	16	23	31	16	12	—	12	9	9	2	2	—	—	—	—	—	145
2 in an office	—	—	—	—	—	—	1	4	6	24	2	10	35	49	25	6	2	—	—	—	164

In these services, only a small proportion of the staff is accommodated on a lower standard: twenty-seven are three in an office and sixteen are four in an office.

99. It is difficult, owing to fluctuations in the strength of the conference services, to submit comparable figures in respect of the office accommodation of these services. When at normal strength, however, the translation sections are accommodated on the basis of one staff member per room, a standard which, though considerably higher than that applied at Headquarters, admits of the necessary expansion when the staff is heavily reinforced during conference peak loads. In general, office space is assigned, except in the case of high-ranking officials, strictly according to function and not according to grade, the criterion being whether a staff member's work is such as to require privacy or such as to interfere with the work of another person sharing the same office. As the Palais has to be serviced in any event, the Advisory Committee sees no objection to the comparatively high standard of office accommodation provided that the space is not required for other occupancy.

MAINTENANCE OF THE PALAIS DES NATIONS

100. The proper maintenance of the Palais is obviously a serious responsibility of the United Nations. The building is so well constructed, as regards the quality of materials and the workmanship, that signs of deterioration would be slow to appear however insufficient the

outlay on maintenance. In fact, there is already *prima facie* evidence that the present level of maintenance may not be adequate, and this evidence was considered by the Advisory Committee in the course of its enquiry.

101. While it is not always possible clearly to distinguish between costs of maintenance and costs of operation, the Committee is satisfied that, on a reasonable distribution of the various items in respect of buildings and equipment, the actual maintenance costs of the Palais represent less than one per cent of the present value of the property (estimated at \$20 million), which compares with a figure of 1.5 per cent of current value in the

case of ILO and 2 per cent in the case of the League of Nations.

102. Although an amount of \$34,500 for urgent repair and maintenance work is included in the 1954 estimates, the evidence offered to the Committee and an on-the-spot inspection of the premises indicated that actual requirements would exceed this figure during 1954. Since it is clearly desirable to make the provision necessary to bring the building into a normal state of repair, the Advisory Committee would have favoured a proposal in respect of the additional repairs, if submitted by the Secretary-General on the basis of a detailed architectural survey.

SUMMARY OF RECOMMENDATIONS AND OBSERVATIONS SUBMITTED IN PART I OF THE PRESENT REPORT

Organization of the European Office

(a) The Secretary-General's proposals for the reorganization of the Secretariat will doubtless include the European Office, and particularly the administrative relationship both within that Office and between that Office and Headquarters. For that reason, and because the Committee does not wish to prejudge the proposals of the Secretary-General, its enquiry is based on the existing structure (paras. 19 and 25).

(b) Exceptionally, the administrative relationship between the Secretary-General and the High Commissioner for Refugees should be reviewed at the earliest opportunity since the question of the continuation of the High Commissioner's Office is being examined at the current session of the General Assembly (paras. 21 and 25 C).

Programme of conferences at Headquarters and Geneva

(a) No major deviation from the fixed pattern should be approved during the four-year period (1954 to 1957), for the reasons set out in the preamble to General Assembly resolution 694 (VII), namely: to permit of the rational and economic distribution of meetings between Headquarters and Geneva, as well as the proper use of staff and conference facilities. Extensive arrangements have already been made, in view of the introduction of the fixed pattern, to transfer languages posts from Headquarters to Geneva, and that pattern makes it possible to build up a regular and qualified cadre of temporary conference staff. Furthermore, the European Office is enabled to estimate its contribution to the staffing of conferences with greater precision, and to plan both the local work programme and the schedules of staff leave on a long-term basis (paras. 43 and 62).

(b) Where sessions of small Headquarters-based bodies are assigned—for compelling reasons—on an *ad hoc* basis to Geneva, every effort should be made to hold such sessions during the winter months and, in any event, to avoid an overlap with conferences arranged under the fixed pattern (para. 53 (d)).

(c) The transference of the summer session of the Economic and Social Council to Geneva accentuates the problem of unused conference space at Headquarters. The chambers set aside for that Council and for the Trusteeship Council are used for a short period only in each year. This problem might be the subject of further study (para. 41).

Geneva session of the Economic and Social Council: recommendations and observations relating to the staffing requirements for the session

(a) The item for *interpretation* in the budget of the Economic and Social Council Geneva session illustrates the advantages of a fixed conference pattern. The suspension of Economic Commission for Europe meetings during the Council's session enables the Geneva interpreters to concentrate on the work of the Council with a consequent decrease in the number seconded from Headquarters (para. 69).

(b) Translators/précis-writers

Comments on the difficulty of fixing the exact proportion of the permanent establishment to be contributed to the Council session. The translation of material emanating from prior, or destined for subsequent, sessions of other bodies, must continue (para. 70).

(c) Stenographers and typists

Consideration should be given to the possibility of increasing the use of dictating machines at the European Office, with a view to decreasing the ratio of stenographers to translators, and with a consequent reduction in temporary assistance expenses (para. 77).

(d) Substantive staff assigned from Headquarters

A determined effort should be made to reduce the number of substantive and secretarial staff assigned from Headquarters to the Council's Geneva session to twenty-five (as compared with forty-seven in 1953, and forty-eight proposed for 1954), with a corresponding limitation applying to the Geneva sessions of other Headquarters-based bodies. The representation of the Secretary-General should be entrusted to officials at the highest level, who are in a position, where necessary with a full briefing, to deal with all questions likely to arise during the session (paras. 86-89).

Maintenance of premises

(a) Comments on the appropriate level of maintenance of the Palais. Doubt arises whether the proposed 1954 provision is sufficient for urgent repair and maintenance work that should be carried out by the end of 1954. Any additional proposal for maintenance expenditure should be based on a detailed architectural survey (paras. 100-102).

(b) Any abnormal expenditure incurred by the United Nations for improvements to premises should be taken into account when reimbursement rates for conference space are reviewed (para. 33).

Standard of office accommodation

The standard of office accommodation might be reduced in the event that additional space is required for other occupancy (para. 99).

Recommendations relating to the 1954 estimates for the European Office

The detailed 1954 estimates for the European Office are reviewed in the following paragraphs :

Section 20, chapter I (103); chapter II (111-113); chapter III (114-116); chapter IV (117-122); chapter V-VII (123-134).

Section 20a (135-142).

Part II

Budget estimates for the financial year 1954

SECTION 20. EUROPEAN OFFICE OF THE UNITED NATIONS

Estimate submitted by the Secretary-General :
\$4,761,100

Estimate recommended by the Advisory Committee :
\$4,633,500

103. Many of the recommendations on the 1954 budget estimates for section 20—and particularly those relating to chapter I—are governed by considerations that have been set forth in part I of the present report, in conjunction with which the following paragraphs should be read.

Chapter I. General Services

Estimate submitted by the Secretary-General :
\$2,348,600

Estimate recommended by the Advisory Committee :
\$2,323,300

	<i>Budget amounts (total for chapter) Dollars (US)</i>
1952 428 posts authorized	2,127,137
	(actual expense)
1953 433 posts authorized	2,209,910
1954 464 posts requested	2,348,600
1954 459 posts recommended by the Advisory Committee	2,323,300

104. *Table 20-3.* The Committee is informed that since the work of the Bureau of Missing Persons no longer calls for the full-time attendance of a professional officer, it would be possible during 1954 for the duties attaching to the post of First Officer to be carried out on a part-time consultant basis. It is therefore recommended that the established post in the professional category should be abolished; that instead provision to an amount of \$2,500 should be included in item (ii)—Consultants; and that the estimate for secretarial and clerical assistance should be increased by \$500, with a consequent reduction in the total figure for table 20-3 from \$11,770 to \$3,120.

105. *Table 20-4.* The Office of the Deputy Director comprises one post in the Professional Officer category, at the Assistant Officer (P-1) level. As the Deputy Director is also in charge of the Conference and General Services of the European Office, the responsibilities of this Office appear to warrant a strengthening of the professional assistance at his disposal, and a submission to this effect was made to the Advisory Committee in the course of its enquiry.

106. *Table 20-6.* Three additional General Service posts are proposed for the Documents, Registry and Distribution Division (one at level 3 in the Reproduction Section, two—at levels 3 and 2 respectively—in the Control and Distribution Section). The workload of both these sections is directly related to the volume of documentation, and the Committee considers that if effect is given during 1954 to the relevant recommendations of the General Assembly, the proposed increase will be unnecessary. It recognizes, however, that a reduction in the number of documents reproduced and distributed at Geneva will be possible only with the close co-operation of delegations and specialized agencies, and it is in that expectation that the requested increase is disallowed.

107. *Table 20-10.* As regards the Administrative and Financial Services, for which a net increase of four posts is requested, the Advisory Committee concurs, on the grounds set out in the budget documents, in the proposed addition of two clerical posts in the Finance Division, together with the transfer of a Second Officer post from the Office of the High Commissioner for Refugees. It further concurs in the upgrading of a Professional post in the Personnel Division (from Second to First Officer), but recommends that the additional clerical post for the latter division should not be established during 1954.

108. A cut of \$5,700 is recommended in the estimate for item (iii)—Temporary assistance—comprising \$4,700 in respect of the session of the Economic and Social Council and, in keeping with the general recommendations of the Advisory Committee on the use of temporary assistance funds, \$1,000 in respect of sick leave replacements.

109. For item (iv)—Overtime and night differential—the Committee recommends a provision of \$17,000 (a reduction of \$3,000) or \$1,000 in excess of the 1953

appropriation. Finally, as regards item (vi) — Travel on official business—for which an amount of \$6,000 is proposed, it considers that one of the three journeys to Headquarters could be eliminated and that a minor reduction might be made on travel to meetings of other international organizations in Europe. The cut recommended in item (vi) amounts therefore to \$1,400.

110. On this basis an appropriation of \$2,323,300 is recommended for chapter I of section 20, representing a reduction of \$25,300 on the figure submitted by the Secretary-General.

Chapter II. Information Centre

Estimate submitted by the Secretary-General : \$95,600.
Estimate recommended by the Advisory Committee : \$93,800.

	Budget amounts (total for chapter) Dollars (US)
1952 14 posts authorized	91,948 *
1953 13 posts authorized	93,090
1954 13 posts requested	95,800
1954 13 posts recommended by the Advisory Committee	93,800

* Actual expense.

111. The estimate for this chapter shows an increase, as compared with 1953, of \$2,500 arising mainly on the items for radio services and miscellaneous supplies and services. The Committee, however, takes account of the proposed establishment during 1954 of a new centre to serve three countries, Greece, Israel and Turkey, which have previously been covered by the Geneva centre. This reduction in workload is only partially offset by the inclusion of Poland among the countries now served by the centre. Specifically, since the 1953 appropriation for miscellaneous supplies and services was intended solely for "field expenditures in Greece, Israel and Turkey for occasional or part-time information work", it seems reasonable that the corresponding 1954 figure should reflect the new arrangements proposed for those countries. This item is on the contrary submitted at \$1,800 or \$600 more than for 1953.

112. While not making a firm recommendation for 1954, the Committee suggests that the classification of the posts at the higher levels in the Information Centre should be reviewed at the earliest opportunity. Meanwhile, a reduction of \$1,800 is recommended in the 1954 estimate, to be applied mainly to official travel and miscellaneous supplies and services.

113. The appropriation accordingly recommended amounts to \$93,800.

Chapter III. Joint Secretariat of the Permanent Central Opium Board and Drug Supervisory Body

Estimate submitted by the Secretary-General : \$83,800.
Estimate recommended by the Advisory Committee : \$53,800.

	Budget amounts (total for chapter) Dollars (US)
1952 7 posts authorized	44,227 *
1953 7 posts authorized	47,100
1954 8 posts requested	63,800
1954 8 posts recommended by the Advisory Committee	53,800

* Actual expense.

114. The increase of \$16,700 as compared with the 1953 appropriation is due mainly to the inclusion in the temporary assistance item of \$10,000 to provide for the salary of a Deputy Secretary. A minor increase arises out of the proposal to establish one additional Secretarial and Clerical post, because of the growth of statistical work since the entry into force of the 1948 Protocol.

115. The Advisory Committee concurs in the proposed addition of one General Service post. As regards the former item, however, it sees little reason to vary the arrangement made for 1953 when specific provision for a Deputy Secretary was omitted from the budget on the understanding that, if the necessity for the post were proved, funds would be made available by transfer. The evidence offered to the Committee during its 1953 session at Geneva indicates that the absence of such a post, though inconvenient at times, has not in any way impaired the work of the Joint Secretariat or caused hardship to the staff.

116. An appropriation of \$53,800 is accordingly recommended for chapter III of section 20, representing a reduction of \$10,000 on the figure submitted by the Secretary-General.

Chapter IV. Economic Commission for Europe

Estimate submitted by the Secretary - General : \$1,020,500.

Estimate recommended by the Advisory Committee : \$975,500.

	Budget amounts (total for chapter) Dollars (US)
1952 154 posts authorized	972,264 *
1953 153 posts authorized	992,000
1954 154 posts requested	1,020,500
1954—posts recommended by the Advisory Committee	975,500

* Actual expense.

* The number of posts may be affected by the decision of the Secretary-General in regard to the cut recommended.

117. The 1954 estimates for the direct staffing costs of the Economic Commission for Europe are presented by the Secretary-General in a form that greatly facilitates the process of budget review. Work programmes of the several divisions are classified, in accordance with the pattern laid down by the Economic and Social Council, in two broad groupings comprising respectively priority projects that are of a continuing nature and those that are of an *ad hoc* nature. The Advisory Committee also notes with appreciation the conciseness and clarity of the presentation.

118. The Committee has previously drawn attention to the difference, as regards budget presentation, between the regional economic commissions. The estimates for the Economic Commission for Asia and the Far East and the Economic Commission for Latin America, submitted respectively under sections 22 and 32, include the total requirements, direct and indirect, of the secretariats of those commissions. In the case of ECE, however, provision for the expenses of its secretariat is included in many chapters of the present section; chapter IV, which covers only the direct staff costs and official travel, does not therefore afford a valid basis for comparison with the secretariats of ECAFE and ECLA. In the table appended to paragraph 46 an attempt is made to show the total estimated cost of services to be rendered during 1954 to ECE.

119. As regards the details of the estimates, the net increase of one in the number of posts is due to the

proposal, in which the Committee concurs, to establish in the Agriculture Division the three General Service posts charged since 1950 to temporary assistance. Concurrently, the abolition of two Professional posts (at First Officer and Associate Officer levels) is proposed in the Industry Division.

120. In its report on the 1953 estimates, the Advisory Committee expressed the hope that the consolidation of three divisions to form a single Industry Division might result in an increased efficiency that would be reflected in the 1954 estimates. There is, in the Committee's opinion, scope for a further reduction of posts beyond the two proposed, both in this and other divisions of the Commission's secretariat, through a re-arrangement of work among the various units to reflect the changing emphasis in the work to which external circumstances have given rise. Specifically, the Advisory Committee has in mind the problem which it recently brought to the Council's notice [E/2483, paragraph (d)], and with which the Administrative Committee on Co-ordination is also concerned, namely, the effect on the economic and social work of the United Nations and the specialized agencies of the development outside the framework of the United Nations of regional and other organizations that engage in activities hitherto undertaken by the United Nations and the agencies. It seems to the Advisory Committee that this situation of fact has a direct bearing on the work of the various divisions of the Economic Commission for Europe, and particularly the Transport and Industry Divisions, and that it should therefore be accompanied by some adjustment in the budgetary provision.

121. As regards the remaining items in chapter IV, temporary assistance at \$34,000 (\$5,000 lower) does not reflect the full effect of the establishment of the three posts in the Agriculture Division. The Committee takes note, however, of the fact that this item and the item for consultants are administered virtually as a single unit, and that the combined reduction exceeds \$11,000.

122. On the basis of what is said in paragraph 120 above, the Advisory Committee has reached the conclusion that a reduction of \$45,000 can be effected, this amount to be distributed at the discretion of the Secretary-General. An appropriation of \$975,500 is accordingly recommended.

Chapter V. Common Staff Costs

Estimate submitted by the Secretary-General : \$671,900.
Estimate recommended by the Advisory Committee : \$666,400.

123. The Advisory Committee, in recommending a total reduction on this chapter of \$5,500, has given special attention to the estimate of \$23,000 for installation payments, which is exceptionally large in view of the proposed transfer during 1954 of Headquarters languages staff and posts to the European Office.

124. Independently, however, of these special circumstances, there is reason to consider the authorized rate of installation allowance to be unnecessarily high in relation to the conditions that prevail at Geneva. The relevant staff rule provides that (except for mission service) when a staff member is required to travel at United Nations expense on initial appointment or on transfer to a new duty station, he shall receive the equivalent of thirty days' travel subsistence allowance for himself and entitled dependants. There is a further provision that if, on change of duty station, the staff

member returns to a place of previous duty, no payment for installation purposes shall normally be made unless the absence from that place has exceeded two years.

125. In the case of Geneva, the amount payable in respect of installation to a Professional Officer at Second Officer level or above with two entitled dependants amounts to \$660, the equivalent payment at Headquarters being \$735.

126. When reporting in 1950 on the system of allowance (A/1313, para. 64) the Advisory Committee expressed the view that the rates recommended by the Committee of Experts should be regarded as maxima within which the Secretary-General would have discretion to fix appropriate payments without the introduction of rigid rules. The Advisory Committee recommends that the whole question, both at Headquarters and in the branch offices, should be reviewed by the Secretary-General, with reference also to the payments made on change of duty station. Pending such a review, a reduction of \$3,000 in the 1954 estimate seems justified.

127. The Committee also recommends a reduction of \$2,500 in the item for children's allowances, to an amount of \$102,500, representing an increase of about 14 per cent on the 1952 figure.

128. An appropriation of \$666,400 is accordingly recommended for chapter V, representing a reduction of \$5,500 in the estimate submitted.

Chapter VI. Common Services

Estimate submitted by the Secretary-General : \$420,700.
Estimate recommended by the Advisory Committee : \$405,700.

129. The question of the appropriate level of expenditure for the maintenance of the Palais des Nations has been considered in paragraphs 100 to 102. The amount of \$34,500 is proposed under item (iv) (a) of this chapter for urgent maintenance and repair work; it is not, however, sufficient to cover all the outside repairs which, the Advisory Committee is informed, should be completed by the end of 1954.

130. As regards the remaining items, the Committee, in recommending a global reduction of \$15,000 (to be distributed at the Secretary-General's discretion) would expect that some part of the reduction might be applied to item (vii)—Internal reproduction supplies—in view of the determined effort now being made to control the number and size of documents. The estimate for item (vi)—stationery and office supplies (effectively \$36,000 after deduction of offsetting revenue)—may also admit of some decrease. The Committee further suggests that the re-negotiation of the restaurant and newsstand contracts might be considered, principally with a view to the elimination of the annual budget provision for cafeteria and restaurant equipment and furniture, which for 1954 is estimated at \$4,200 under chapters VI and VII of this section.

131. The effect of the above recommendation is to reduce the Secretary-General's estimate from \$420,700 to \$405,700.

Chapter VII. Permanent Equipment

Estimate submitted by the Secretary-General : \$140,000.
Estimate recommended by the Advisory Committee : \$115,000.

123. During its Geneva session, the Advisory Committee considered the question of the air-conditioning plant in the Assembly block, to which the budget document refers in connexion with the estimate of \$16,000 included in this chapter VII. Although the need for air-conditioning in the Assembly hall and adjoining conference rooms is not as great as at Headquarters, it is the view of the Committee that, if it is desired to maintain this facility, the most economical and efficient course would be to provide for the replacement of the plant rather than adopt interim, makeshift measures which at best could be effective for only a limited period of time. Accordingly, it is recommended that, if the Secretary-General believes it possible to postpone the replacement by one year, the necessary provision should be deferred until the 1955 estimates, the item of \$16,000, being meanwhile omitted from the 1954 budget.

133. On the remainder of chapter VII, the Committee recommends a global reduction of \$9,000 to be applied principally to items (i), (ii), and (vii), which show a combined increase of \$14,500 as compared with 1953. It is also suggested that a part of the provision for office equipment should be diverted to the purchase of additional dictating machines, in accordance with the policy recommended in paragraph 77 above.

134. The above reductions would reduce the Secretary-General's estimate by \$25,000 to \$115,000.

ANALYSIS OF REDUCTIONS RECOMMENDED

	Dollars (US)
Chapter I:	
(i) Established posts (table 20-3)	8,650
Established posts (table 20-6)	6,500
Established posts (table 20-10)	2,550
(iii) Temporary assistance	5,700
(iv) Overtime and night differential	3,000
(vi) Travel on official business	1,400
Total	27,800
Increase on item (ii) - Consultants (see paragraph 104 above)	2,500
Total net reduction, chapter I	25,300
Chapter II:	
Total reduction	1,800

	Dollars (US)
Chapter III:	
(ii) Temporary assistance	10,000
Total reduction, chapter III	10,000
Chapter IV:	
Total reduction	45,000
Chapter V:	
(ii) Installation payments	3,000
(vi) Children's allowances	2,500
Total reduction, chapter V	5,500
Chapter VI:	
Total reduction	15,000
Chapter VII:	
Total reduction	25,000
TOTAL REDUCTION	127,600

Section 20a. Office of the High Commissioner for Refugees

Estimate submitted by the Secretary-General : \$743,000.

Estimate recommended by the Advisory Committee : \$685,000.

	Budget amounts (total for chapter) Dollars (US)
1952 100 posts authorized	595,356*
1953 100 posts authorized	650,000
1954 110 posts requested	743,000
1954 — posts recommended by the Advisory Committee*	685,000

* Actual expense.

* The number of posts may be affected by the decision of the Secretary-General in regard to the cut recommended.

135. The total 1954 estimate submitted by the Secretary-General in respect of section 20a amounts to \$743,000,¹³ covering forty-two posts under chapter I (headquarters office of the High Commissioner) and sixty-eight under chapter II (branch offices).

136. For purposes of comparison, the amounts authorized and proposed respectively for 1953 and 1954 are analysed in the following table, which includes related items under appropriation sections 20, 25 and 26:

¹³ The original submission amounted to \$680,000, the supplementary estimate (A/C.5/540) to \$63,000.

	Chapter I Headquarters office	Common services and common staff costs: section 20	Chapter II (Branch offices)	Official Records and publications	Total	Established posts		
						Chapter I	Chapter II	Total
Dollars (US)								
1953 authorized ...	292,200	71,000	357,800	4,000	725,000	42	58	100
1954 proposed	297,200	66,000	445,800	4,950	813,950	42	68	110

137. In accordance with the terms of chapter I, paragraph 5, of the Statute [General Assembly resolution 428 (V), annex], the General Assembly will review during its current session the arrangements for the Office of the High Commissioner in order to determine whether the Office should be continued beyond 13 December 1953. A recommendation to that effect was adopted on 7 July 1953 by the Economic and Social Council in its resolution 500 (XVI), which took under consideration "the continuing need for international action on behalf of refugees", and "the valuable work which has been performed by the Office of the High

Commissioner both in providing international protection for refugees and in promoting permanent solutions for their problems."

138. The Advisory Committee has also considered an estimate of the budgetary expenditure that would arise in 1954 in the event of the General Assembly's taking a decision contrary to the recommendation of the Economic and Social Council. Based on the alternative assumptions that the decision to terminate the Office would be taken (a) by 15 November 1953, or (b) by 15 December 1953, the expenses are estimated respectively

at \$167,500 and \$212,500. In addition, a downward adjustment would be necessary in the 1954 estimates of miscellaneous income (European Office).

139. As regards the revised 1954 estimates which are based on a continuation of the Office, the budget submission refers to the adjustments made in salary differentials at the Geneva headquarters of the High Commissioner and certain of the branch offices. In the opinion of the Advisory Committee, this factor justifies a proportionate increase in the 1954 provision.

140. More generally, however, as regards the additional projects, the essential question is not whether the various new proposals represent worth-while activities but whether their cost when added to the existing appropriation level for the section will not exceed by too much the appropriation authorized for 1953 and—a more important consideration—constitute too high a proportion of the general budget of the Organization.

141. An analogy may perhaps be drawn from the technical assistance programme, in respect of which the direct contribution from the regular budget of the United Nations has remained virtually unchanged during the

past four years, in spite of the continuous expansion in the size of the programme.

142. On the basis of what is said above, the Advisory Committee considers that an increase of \$35,000 by comparison with the 1953 appropriation would be justified, and it recommends that, within the total of \$685,000, funds should be apportioned at the High Commissioner's discretion, between the original and supplementary projects, subject to the continuation of the safeguards heretofore applied by the High Commissioner to ensure that the obligations undertaken in a given financial year shall not commit the General Assembly to any increase in the budget for the ensuing year. It is the opinion of the Committee that reductions are feasible in a number of items, notably in official travel under both chapters, for which a combined total of \$57,000 is proposed, and that a review should be made of the level of grading of posts in branch offices, and particularly the posts of certain heads of offices. Subject to these reductions, it should prove possible to carry out a large part of the total programme that has been proposed within the figure of \$685,000, which is accordingly recommended for appropriation.

DOCUMENT A/2522 and Corr.1

Eighth Report of the Advisory Committee on Administrative and Budgetary Questions: revised estimates for sections 3, 10, 11, 20 and 23

[Original text: English]
[20 October 1953]

1. General Assembly resolution 533 C (VI) of 4 February 1952 provides in paragraph 4 that consideration of the budget estimates relating to economic and social activities shall be deferred until supplementary information concerning the decisions of the Economic and Social Council has been submitted to the General Assembly and reported upon by the Advisory Committee on Administrative and Budgetary Questions.

2. The Secretary-General has accordingly submitted in document A/C.5/542 revised 1954 estimates for sections, 3, 10, 11, 20 and 23 reflecting certain of the decisions taken by the Economic and Social Council at its fifteenth and sixteenth sessions.

3. The Advisory Committee does not doubt that the Economic and Social Council and its subsidiary organs, when recommending or approving additional work programmes (or additional projects within existing programmes), have had full regard to the criteria laid down by the Council during 1950 and elaborated during 1951 for establishing priorities between programmes within a particular field of work or between projects within programmes. This is the responsibility of the Council. But, in the interest of budgetary stability or, more widely, with a view to economical administration, the Committee may legitimately consider to what extent the criteria have been applied. Of these, one of the more important relates to urgency: whether there is, or is not, a pressing need for action of the kind proposed.

4. Furthermore, the Advisory Committee has given consideration to a related question: whether it is not advisable, in order to ensure an orderly review of programmes within the context of the United Nations budget as a whole and, above all, in order to afford the Member States sufficient time for detailed study of the supplementary estimates, to adopt a revised procedure whereunder any additional expenditure resulting from decisions of the Council would, in most cases, be proposed for inclusion not in the budget of the following

year but in that of the second year from the taking of the decisions. Exceptions to the above procedure would be limited to projects that cannot reasonably be deferred.

5. The Committee suggests that it may be to the interest of the Organization and of its Members to apply the procedure suggested to certain of the projects that are reviewed in the following paragraphs.

Customs formalities for the temporary importation of private vehicles and for tourism (A/C.5/542, paragraph 4)

6. While the Economic and Social Council, in resolution 468 F (XV) of 15 April 1953, expresses a preference for Geneva as the venue of the conference relating to customs formalities, full regard must, in the opinion of the Advisory Committee, be paid to the comparative figures of additional cost. This is estimated at \$4,000 for a conference held at Headquarters or \$37,300 less than the Secretary-General's estimate, which is based on a Geneva session. In view of the large difference in cost, the Committee recommends that the conference should be transferred to New York and the estimate reduced from \$41,300 to \$4,000.

1954 session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/C.5/542, paragraph 5)

7. The Advisory Committee concurs in the provision of \$18,750 proposed for chapter XI of section 3.

1954 calendar of conferences (A/C.5/542, paragraph 6)

8. The Advisory Committee recommends for approval a reduction of \$14,000 in the temporary assistance provision under chapter I of section 20 (European Office). This reduction is possible because the Economic and Social Council, exercising the power granted under paragraph 1 (b) of General Assembly resolution 694 (VII) of 20 December 1952 on the programme of con-

ferences, has chosen as the functional commission to meet at Geneva during 1954 the Statistical Commission, whose session is not expected to exceed three weeks, as compared with an original estimate of five weeks for an unspecified functional commission. As regards the corresponding provision in section 3, chapter XII, the Advisory Committee has already recommended a reduction of \$2,200 (A/2403, paragraph 62).

Report of the Rapporteur on freedom of information
(A/C.5/542, paragraph 7)

9. The Advisory Committee notes that the Council agreed that the report of the Rapporteur on freedom of information should be presented at its seventeenth session. The programme of conferences provides that this session shall be held at the Headquarters of the United Nations, to which the Rapporteur is accredited as the permanent representative of his country. It may therefore be assumed that no expenditure will in fact arise, and the Committee accordingly recommends a reduction of \$1,750 in chapter I of section 3.

Increase in membership of the Interim Co-ordinating Committee for International Commodity Arrangements
(A/C.5/542, paragraph 8)

10. The Advisory Committee concurs in the proposed increase of \$930 in the estimate of \$3,100 for chapter XIII of section 3 to cover the travel and subsistence expenses of one additional member of the Interim Co-ordinating Committee for International Commodity Arrangements.

Transport of dangerous goods (A/C.5/542, paragraph 9)

11. Economic and Social Council resolution 468 G (XV) provides that the committee of qualified experts to be appointed by the Secretary-General shall not exceed nine in number, and this maximum figure has been used for estimating purposes. There seem, however, to the Advisory Committee to be good reasons for limiting the membership to four or five experts, particularly if a careful selection is made of the representatives of specialized agencies concerned with the various parts of the problem who are to assist the committee on a consultative basis. An appropriation not exceeding \$9,000 is accordingly recommended for 1954 under chapter II of section 10.

Restrictive business practices
(A/C.5/542, paragraph 10)

12. No specific additional provision is requested in respect of the work programme foreseen in Council resolution 487 (XVI) of 31 July 1953, although expenditure for purposes not covered by the original estimates may be incurred during 1954. The Advisory Committee notes that it is proposed to adjust, as necessary, the programme of the Department concerned to the new tasks; on this basis, it concurs in the Secretary-General's request, and assumes that the total 1954 appropriation for section 10 will not thereby be exceeded.

United Nations Narcotics Laboratory
(A/C.5/542, paragraph 11)

13. The sum of \$3,000 is proposed for the travel expenses of three experts to advise the Commission on Narcotic Drugs on the matter covered by Council resolution 477 (XV) of 10 April 1953. The Advisory Committee recommends that this amount, if actually required for expenditure during 1954, should be found within the total provision for section 11, Department of Social Affairs.

Community development projects
(A/C.5/542, paragraph 12)

14. The proposal submitted by the Secretary-General in accordance with paragraph 10 of Council resolution 496 (XVI) of 31 July 1953 involves an expenditure of about \$5,000 during 1954. This would, however, be dependent upon requests of the governments concerned, whose "senior policy-making representatives" would discuss with representatives of the United Nations and specialized agencies concrete programmes for community development. The Advisory Committee concurs in the proposal of the Secretary-General that the estimated travel costs of such meetings during 1954 should, if incurred, be met out of the travel provision for the Department of Social Affairs already proposed under chapter VII of section 18. It doubts, however, whether two meetings need to be held during that year.

Economic Commission for Latin America
(A/C.5/542, paragraph 14)

15. The supplementary activities of the Economic Commission for Latin America (ECLA), as endorsed by the Council in resolution 485 (XVI) of 10 July 1953, fall into two groups, the first comprising priority studies of a continuing nature, for which the Secretary-General proposes an increase in established posts from fifty-two to fifty-five (as compared with fifty-one authorized for 1953). The second group covers priority activities of an *ad hoc* nature which, it is proposed, should be undertaken on a consultant basis.

16. The Advisory Committee understands that had the projects in these two groups been treated as isolated items calling for full, additional provision, the cost would have exceeded \$112,000 over and above the original 1954 estimate of \$936,200. The Secretary-General has, however, decided that by a process of selection (which the Committee considers to accord fully with the Council's criteria) certain of the projects covered by his original estimates (A/2403, paragraph 146) may be deferred or reduced in scope and duration during 1954.

17. The Advisory Committee is in agreement with this policy (though questioning whether it has been pursued to the fullest possible extent) and accordingly recommends for approval a supplementary provision of \$60,000, or \$3,360 less than the estimate submitted. This reduction is in its opinion justified, in view of the fact that the combined total for consultants under section 93 (as proposed by the Secretary-General) amounts to \$14,000. The Committee also considers that the recruitment of staff to fill the three new established posts may in fact be deferred beyond the period reflected in the estimates.

18. The supplementary provision respectively proposed by the Secretary-General and recommended by the Advisory Committee is shown in the following table:

	Secretary-General's proposals	Advisory Committee's recommendations
	Dollars (US)	
Appropriation section 3	28,230	23,680
Appropriation section 10	15,000	9,000
Appropriation section 11	3,000	—
Appropriation section 20	18,300	(—14,000)
Appropriation section 23	63,360	60,000
TOTAL NET INCREASE	127,890	78,680

19. The difference of \$49,210 between the amount recommended by the Advisory Committee and that proposed by the Secretary-General is analysed in the following tables:

TABLE I

	Sect. 3	Sect. 10	Sect. 11	Sect. 20	Sect. 23	Total proposed by Secretary-General	Total recommended by Advisory Committee	Reduction recommended by Advisory Committee
Dollars (US)								
Customs formalities* (A/C.5/542, paragraph 4):								
Secretary-General's proposal.	9,000			32,300		41,300		
Advisory Committee's recommendation	4,000			—			4,000	37,300
Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/C.5/542, paragraph 5):								
Secretary-General's proposal.	18,750					18,750		
Advisory Committee's recommendation	18,750						18,750	—
1954 calendar of conferences (A/C.5/542, paragraph 6):								
Secretary-General's proposal.	(—2,200)			(—14,000)		(—16,200)		—
Advisory Committee's recommendation	—			(—14,000)			(—14,000)	—
Rapporteur on Freedom of Information (A/C.5/542, paragraph 7):								
Secretary-General's proposal.	1,750					1,750		
Advisory Committee's recommendation	—						—	1,750
Interim Co-ordinating Committee for International Commodity Arrangements (A/C.5/542, paragraph 8):								
Secretary-General's proposal.	930					930		
Advisory Committee's recommendation	930						930	
Transport of dangerous goods (A/C.5/542, paragraph 9):								
Secretary-General's proposal.		15,000				15,000		
Advisory Committee's recommendation		9,000					9,000	6,000
Restrictive business practices (A/C.5/542, paragraph 10):								
Secretary-General's proposal.								
Narcotics Laboratory (A/C.5/542, paragraph 11):								
Secretary-General's proposal.			3,000			3,000		
Advisory Committee's recommendation			—				—	3,000
Community development (A/C.5/542, paragraph 12):								
Secretary-General's proposal.			—			—		
Advisory Committee's recommendation			—			—		
Economic Commission for Latin America (A/C.5/542, paragraph 14):								
Secretary-General's proposal.					63,860	63,860		
Advisory Committee's recommendation					60,000		60,000	3,860

* Reduction previously made by Advisory Committee (see A/2403, paragraph 62).

* Excess of reduction proposed by Secretary-General \$2,200.

* Section 18.

TABLE II

	Section 3 The Economic and Social Council, Commissions and Committees	Section 10 Department of Economic Affairs	Section 11 Department of Social Affairs	Section 20 European Office of the United Nations	Section 23 Economic Commis- sion for Latin America
	Dollars (US)				
Secretary-General's original estimates	148,700	2,314,700	1,764,000	4,761,100	936,200
Advisory Committee's recommendation thereon	140,500	2,254,700	1,704,000	4,633,500	888,700
Supplementary estimates submitted by Secretary-General	28,230	15,000	3,000	18,300	63,360
Supplementary estimates recommended by Advisory Committee	23,680	9,000	—	(—14,000)	60,000
Revised estimates submitted by Secretary-General	176,930	2,329,700	1,767,000	4,779,400	998,560
Total of revised estimates recommended by Advisory Committee	164,180	2,263,700	1,704,000	4,619,500	948,700

DOCUMENT A/2549

Sixteenth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: Advisory Council for the Trust Territory of Somaliland under Italian administration

[Original text: English]
[10 November 1953]

1. The 1954 requirements for the Advisory Council for the Territory of Somaliland under Italian administration are estimated by the Secretary-General at \$169,000 (A/C.5/550).

2. The increase by comparison with the 1953 appropriation (\$145,000) amounts to \$24,000 and arises mainly in respect of the items for temporary assistance and for travel and subsistence of members and staff.

3. An amount of \$18,600 is included in respect of subsistence allowance for the three members of the Council at the rate of \$20 per day each for 310 days. The Advisory Committee considers that there arises in this connexion the question whether, in the case of members of commissions or committees of inquiry (or analogous bodies) the rate of allowance might be reduced after a certain number of months of service in the area. This procedure is adopted as regards staff members assigned to missions in the field, and it is suggested that an extension of the practice to members also should be studied in connexion with the comprehensive review of allowances for members of such bodies to be made during 1954 by the Secretary-General.

4. The manning table for 1954 (A/C.5/550, annex I), shows that four substantive officers are proposed for this mission including a Political Affairs Officer. In

commenting on the 1953 estimates the Advisory Committee suggested that a combination of the functions performed by the Principal Secretary and the Political Affairs Officer should be feasible, or alternatively a combination of those performed by the Economic Affairs and Social Affairs Officers. The manning table finally established for 1953 in fact provided for only three substantive officers together with a Public Relations Officer. The last named post is not proposed for 1954.

5. Actual expenditure for 1953 is estimated by the Secretary-General at \$153,000 (A/2534, annex B, paragraph 4). On this basis, the Advisory Committee considers that a sum of \$150,000 would constitute a reasonable provision in respect of 1954 for this mission.

6. An appropriation of \$150,000 is accordingly recommended under section 5, Investigations and Inquiries, representing a reduction of \$19,000 in the estimate submitted by the Secretary-General.

7. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/550 is the first of a series to be submitted as detailed justification for this tentative figure.

DOCUMENT A/2550**Seventeenth report of the Advisory Committee on Administrative and Budgetary Questions : detailed estimates for section 5 : United Nations Tribunal in Eritrea**

[Original text: English]
[9 November 1953]

1. The requirements for the continuance during 1954 of the United Nations Tribunal for Eritrea are estimated by the Secretary-General at \$28,100 (A/C.5/551).

2. The Tribunal, which was established by General Assembly resolution 530 (VI) of 29 January 1952, is required, upon the request of an appropriate authority, to issue such instructions as may be necessary for the purpose of giving effect to that resolution or to decide in any case of dispute regarding the interpretation and application of its provisions. Any such request must be submitted not later than 31 December 1953. Only one request has so far been made.

3. The item of \$16,400 for temporary assistance includes sums of \$2,000 to be paid to each of the three members of this Tribunal, who also serve on the United Nations Tribunal in Libya. This payment, which is made on an annual basis, represents in part a supple-

mentary remuneration for the added responsibilities of the members and in part a commutation of subsistence expenses to be incurred during any periods spent in Eritrea. The Advisory Committee is informed that the members of the Tribunal did not have occasion to visit Eritrea during the first ten months of 1953.

4. It may reasonably be assumed that with so light a calendar the United Nations Tribunal for Eritrea will be able to complete its whole work before the end of 1954. On this basis the Advisory Committee recommends an appropriation of \$25,000 under section 5, representing a reduction of \$3,100 in the estimate submitted by the Secretary-General.

5. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/551 is the second of a series to be submitted as detailed justification for this tentative figure.

DOCUMENT A/2551**Eighteenth report of the Advisory Committee on Administrative and Budgetary Questions : detailed estimates for section 5 : United Nations Tribunal in Libya**

[Original text: English]
[10 November 1953]

1. The General Assembly, in a resolution adopted on 23 October 1953 (resolution 792 (VIII)) decided that the United Nations Tribunal in Libya, which was established by article X of resolution 388 (V) of 15 December 1950, should continue in existence.

2. The cost of continuing this Tribunal during 1954 is estimated by the Secretary-General at \$116,000 (A/C.5/552). The decrease of \$4,000 by comparison with the 1953 appropriation arises under the item for travel and subsistence of staff, no provision being required in 1954 for the three Field Service personnel who were assigned to the mission during 1953.

3. For 1953 the sum of \$85,500 was appropriated for temporary assistance. As the Committee notes from the Secretary-General's report on the 1953 supplementary estimates that the over-all 1953 expenditure for the Tribunal is expected to show a small surplus (A/2534, Annex B, paragraph 4), it considers that a reduction of \$5,000 is possible in the amount of \$90,000 proposed for temporary assistance.

4. The Advisory Committee accordingly recommends an appropriation of \$111,000 in respect of 1954 for the United Nations Tribunal in Libya, under section 5.

5. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/552 is the third of a series to be submitted as detailed justification for this tentative figure.

DOCUMENT A/2552

Nineteenth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: repatriation of Greek children

[Original text: English]
[9 November 1953]

1. In resolution 618 (VII) of 17 December 1952 the General Assembly decided to discontinue the Standing Committee on the Repatriation of Greek Children, which was established in resolution 382 C (V) of 1 December 1950. The Assembly, however, requested the International Committee of the Red Cross and the League of Red Cross Societies to continue their work in Yugoslavia until all children have been repatriated.

2. The Secretary-General estimates at \$5,000 the reimbursable expenses which the above two bodies may incur during 1954 in respect of this work (A/C.5/553).

3. The Advisory Committee accordingly recommends an appropriation of \$5,000 under section 5.

4. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimate in document A./C.5/553 is the fourth of a series to be submitted as detailed justification for this tentative figure.

DOCUMENT A/2557

Twenty-second report of the Advisory Committee on Administrative and Budgetary Questions: proposal to acquire and operate radio transmitters at the United Nations Headquarters and at Geneva

[Original text: English]
[17 November 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a proposal submitted by the Secretary-General in document A/C.5/559 for the acquisition of radio transmitters by the United Nations and for their operation at Headquarters, New York, and at Geneva, in replacement of the present system of a rented teletype circuit.

2. If approved by the General Assembly, this proposal would necessitate an increase in the 1954 estimates of \$43,400, against which offsetting revenue would amount to \$9,000. In subsequent years, however, the relevant appropriations would be reduced by a total of \$17,700 (by comparison with the 1953 figure), while miscellaneous income would be increased, as in 1954, by \$9,000 per annum.

3. Information submitted to the Advisory Committee indicates that the normal contracting procedure of inviting open bids on a competitive basis has been observed.

4. Accordingly, the Advisory Committee concurs in principle in the Secretary-General's proposal subject to the following reservations:

(a) It is understood that the proposed scheme is consonant with the provisions of section 4 of article II of the United Nations-United States Headquarters Agreement, and that in particular the arrangements stipulated in paragraph (b) of that section¹⁴ have been or will be made by the United Nations;

(b) It is further understood that a strict control will be exercised over the nature and length of cable messages accepted for transmission over the system.

5. The Advisory Committee has enquired into the possibility of financing the proposed scheme out of the revolving fund for miscellaneous self-liquidating purchases and activities, and of amortizing the cost of the equipment and installation by means of annual budget charges for the replenishment of the Working Capital Fund over a period of five to ten years. While not pressing this suggestion at the present stage, the Committee considers that when the current survey of equipment and furniture has been completed, such an arrangement might usefully be studied both for this and other similar purposes.

6. Meanwhile, the Advisory Committee recommends that, subject to the satisfactory completion of the contractual and other arrangements for this project, the following adjustments should be made in the 1954 estimates:

	Decrease Dollars	Increase (US)
18. Common services	13,200	
19. Permanent equipment	—	10,100
20. European Office of the United Nations	—	46,500
TOTAL	13,200	56,600
Net increase in 1954 estimates		43,400
Miscellaneous income: increase in 1954 estimate..		9,000

¹⁴ The text of paragraph (b) reads: "The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Govern-

ment of the United States and the appropriate agencies of other affected Governments with regard to frequencies and all other matters".

DOCUMENT A/2583**Twenty-seventh report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: Korean service medals**

[Original text: English]
[1 December 1953]

1. The Secretary-General has submitted in document A/C.5/556 an estimate of \$343,000 covering the supply during 1954 of Korean service medals and ribbons authorized by General Assembly resolution 483 (V) of 12 December 1950.

2. The Advisory Committee concurs in the proposed provision of \$343,000, this sum including an unspent 1953 surplus of \$93,000, which is now submitted for reappropriation.

3. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/556 is the fifth of a series to be submitted as detailed justification for this tentative figure.

4. The Advisory Committee also concurs, in accordance with paragraph 6 of the Secretary-General's report, in the proposed addition to the draft resolution relating to unforeseen and extraordinary expenses of the following sub-paragraph:

"(..) Such commitments not exceeding a total of \$184,000 as are required for the purchase of Korean service medals".

DOCUMENT A/2584**Twenty-eighth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: Military Observer Group in India and Pakistan**

[Original text: English]
[1 December 1953]

1. The estimates submitted by the Secretary-General in document A/C.5/558 for the continuance during 1954 of the Military Observer Group in India and Pakistan amount to \$581,200, representing a decrease of \$98,800 by comparison with the 1953 appropriation.

2. This decrease is attributable mainly to the items for travel and subsistence of observers and travel and subsistence of staff, in which the reductions amount respectively to \$49,000 and \$66,000. It was decided, as the result of an on-the-spot administrative inspection of the mission, to reduce the rates of subsistence allowance both for the military observers and the staff members, with effect from August 1953.

3. Both the manning table proposed for 1954 and the number of military observers (whose salaries—with the exception of that paid to the Chief Military Observer—are borne by the governments providing their services) remain virtually unchanged from 1953. The Advisory Committee is informed that every effort is made to reduce the number of military observers during winter months, for example, by deferring the replacement of observers whose tour of duty ends in the latter half of the year. By reason, however, of the high average cost of transport to and from the mission area such a reduction is not in every case financially advantageous.

4. In view of the substantial decrease in the provision proposed for 1954, which bears evidence of the careful

administration of this mission, the Advisory Committee recommends for approval the estimates as submitted by the Secretary-General at the figure of \$581,200.

5. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/558 is the sixth of a series to be submitted as detailed justification for this tentative figure.

6. No provision is included in the above 1954 estimates for the activities of the United Nations Representative in India and Pakistan. By a resolution of 23 December 1952 (S/2883), the Security Council requested the Representative to continue to make his services available to the Governments of India and of Pakistan and to report to the Council any progress in the negotiations for the demilitarization of the States of Jammu and Kashmir. No subsequent action by the Council has altered his status.

7. As the scope and duration of the activities of the Representative in 1954 cannot be accurately foreseen at this stage, the Secretary-General proposes to meet expenditures arising during 1954, in respect of the Representative for India and Pakistan, by withdrawals from the Working Capital Fund in accordance with the provisions of sub-paragraph (a) of the draft resolution on unforeseen and extraordinary expenses.

DOCUMENT A/2585

Twenty-ninth report of the Advisory Committee on Administrative and Budgetary Questions: revised estimates for sections 1 and 20: International Law Commission

[Original text: English]
[3 December 1953]

1. The Secretary-General has submitted in document A/C.5/555 revised estimates, under sections 1 and 20 of the 1954 estimates, to cover the holding of the 1954 session of the International Law Commission at Geneva instead of at Headquarters. The Advisory Committee was assured that, in view of the necessity of transferring services to the summer session of the Economic and Social Council, the session of the Commission would not last beyond eight weeks.

2. The cost of such a session, limited to eight weeks, is estimated by the Secretary-General at \$71,800. The Fifth Committee provisionally approved, in first reading of the 1954 budget estimates, an amount of \$57,600 for a ten weeks' session of the Commission to be held at Headquarters. As the corresponding figure for an eight weeks' period is \$50,250, the transference of the session to Geneva results in an increase of \$21,550 in the estimates.

3. In the case of other commissions and committees, a 20 per cent saving is achieved on the rate of subsistence allowance when sessions are held at Geneva. No similar economy arises in the present case, since the General Assembly in 1950 fixed a special allowance of \$35 per day (irrespective of meeting place) for the members of the International Law Commission. This practice is not followed with respect to any other commission or committee of the United Nations.

4. While the General Assembly obviously has the right each year to determine the meeting place of any United Nations body, article 12 of the Statute of the

International Law Commission envisages the possibility of its holding meetings at places other than Headquarters, after consultation with the Secretary-General, and a Geneva session, if limited to eight weeks from 3 May 1954, would not be contrary to the decision of the General Assembly on the fixed programme of conferences [resolution 694 (VII) of 20 December 1952, paragraph 1 (c) of the operative part], since no overlap with the summer session of the Economic and Social Council would result.

5. The Advisory Committee considers that the number of substantive officers assigned from Headquarters might reasonably be held to two with a consequent reduction of \$1,550 in the estimate. For temporary assistance, a reduction of \$1,700 is recommended in the estimate of \$16,700. On this basis, the total estimated cost of the 1954 session would amount to \$68,550.

6. The effect of the above recommendations is shown in the following table:

	Section 1 Dollars	Section 20 (US)
Estimates approved by the Fifth Committee, in first reading	533,600	4,619,500
Revised estimates (A/C.5/555)	(—4,050)	15,000
Revised estimates for appropriation sections	529,550	4,634,500

7. The Advisory Committee accordingly recommends that the appropriation for section 1 should be reduced by \$4,050 and that for section 20 increased by \$15,000.

DOCUMENT A/2594

Thirty-first report of the Advisory Committee on Administrative and Budgetary Questions: estimates for section 19a: improvements to premises

[Original text: English]
[3 December 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/557) proposing an appropriation of \$565,000 under section 19a of the 1954 budget estimates for the enlargement of the dining room and cafeteria at Headquarters and the provision of certain related facilities.

2. The Secretary-General's proposal contains the following main features:

(a) The dining room would be extended on to the terrace, together with the private dining rooms;

(b) The space so vacated (where the present private dining room stands) would be used for storage and for installing ventilation ducts for the cafeteria service area;

(c) The cafeteria would likewise be extended on to the terrace;

(d) A new private dining room, seating 120 persons and adjoining the main dining room, would be built between the Conference Building and the General Assembly Building;

(e) An escalator linking the third and fourth floors would be installed opposite the dining room elevators; and

(f) A number of other facilities, as listed in paragraph 6 (b) to (f) of document A/C.5/557, would be provided.

3. The decision in favour of restricting the restaurant area that had originally been planned for the Headquarters Building was prompted in 1949 by reasons of economy, on which it is now pointless to offer comment. That decision may nevertheless prove to have been a costly one.

4. The Secretary-General's proposal involves a large outlay, which may perhaps represent an excessive addition to the budget of a single year. The Advisory Committee has therefore studied possible alternatives whereby the projected expenditure might either be reduced in amount or spread over a longer period of time. It has also taken account of the views recently expressed in the Fifth Committee on the conditions that prevail in the dining room and cafeteria during certain periods of the

year (405th meeting). The over-crowding of the dining room during the General Assembly session and of the cafeteria both during that session and during certain other periods of the year would be eliminated under the proposed scheme. This provides for an increase in seating capacity from 752 to 1,176 distributed as follows:

Dining room	124
Private dining rooms	102
Cafeteria	198

5. No problem would arise as regards the kitchen facilities, which are adequate to meet the increased demands. The present capacity is as follows:

(a) Dining room: 1,000 to 1,200 lunches between 11.00 a.m. and 3.00 p.m.;

(b) Cafeteria (including the addition of the proposed new counter): 3,500 lunches between 11.00 a.m. and 3.00 p.m.

6. The following alternatives to the Secretary-General's proposal have been examined by the Advisory Committee:

Alternative A

To extend the dining room (including the private rooms) and the cafeteria on to the terrace, as outlined in paragraph 2 (a) and (c) above, with a consequent increase of 124 seats in the dining room and 198 seats in the cafeteria, but to omit the construction of the escalator and new private dining room, as outlined in paragraph 2 (e) and (d) above.

Alternative B

To build a new private dining room with a consequent increase of 102 seats, as well as the escalator.

Alternative C

Same as alternative B, but without the escalator.

Alternative D

To defer consideration of the matter and the taking of a final decision until the ninth session of the General Assembly.

7. Alternatives A, B and C above are separate schemes and the Advisory Committee has therefore

endeavoured to secure an approximate estimate of the respective costs. It is, of course, not easy to segregate cost items relating to a single construction project which forms, as regards the architectural and engineering plans, a comprehensive whole and which is based, as regards the supply of equipment and materials, on bulk buying in stated quantity or volume. Consequently, the estimates submitted below are of a purely tentative character, and the Advisory Committee emphasizes that the deferment of one or other part of the scheme proposed by the Secretary-General, however desirable as regards the financial year 1954, may ultimately entail a higher (possibly a substantially higher) over-all cost.

8. The tentative estimates are as follows:

	<i>Dollars (US)</i>
<i>Alternative A</i>	365,000
<i>Alternative B</i>	200,000
<i>Alternative C</i>	150,000

9. The Committee is informed that the work involved in the Secretary-General's scheme would occupy from four to six months from the completion of the architectural plans, and that the extensions and additions would not therefore necessarily be ready before the next session of the General Assembly opens.

10. Subject to what is said above, the Advisory Committee inclines on balance to alternative B, at an estimated cost of approximately \$200,000. It does so because it regards the proposed private dining room as a necessary adjunct to the work of delegations, affording them an opportunity to hold private consultations in suitable surroundings. This alternative would also serve to reduce to a certain extent the overcrowding of the main dining room. The Committee presumes that, except during sessions of the General Assembly, the private room would be available for use by the Secretariat and by members of the public.

11. At the same time, however, there is much to be said, though for a different reason in each case, in favour of the remaining alternatives. Alternative A goes farther towards meeting the requirements both of delegations and Secretariat, while alternative D obviates, for the time being, an added financial burden on Members. Finally, the substantial advantages in respect of working conditions which are offered by the Secretary-General's proposal are clearly set out in document A/C.5/557.

DOCUMENT A/2595

Thirty-second report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Conciliation Commission for Palestine

[Original text: English]
[3 December 1953]

1. The requirements for the continuation during 1954 of the United Nations Conciliation Commission for Palestine are estimated by the Secretary-General (A/C.5/568) at \$61,200 representing an increase over 1953 of \$16,200. This increase is due to the proposal to assign two staff members to a sub-office of the Commission at Jerusalem for work on land and taxation records in the possession of the Governments of Egypt, Israel and Jordan.

2. The provision proposed by the Secretary-General for 1954 appears reasonable, and the Advisory Committee accordingly recommends an appropriation under section 5 of \$61,200 for the United Nations Conciliation Commission for Palestine.

3. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76), for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/568 is the seventh of a series to be submitted as detailed justification for this tentative figure.

4. The Advisory Committee also concurs in the Secretary-General's proposal that, should it prove necessary for the Commission to meet away from Headquarters—the seat of the Commission—any additional expenses should be met by advances from the Working Capital Fund, as commitments relating to the maintenance of peace and security.

DOCUMENT A/2596

Thirty-third report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Truce Supervision Organization for Palestine

[Original text: English]
[3 December 1953]

1. The provision proposed by the Secretary-General (A/C.5/569) for the continuation during 1954 of the Truce Supervision Organization for Palestine amounts to \$528,400, or an increase of \$78,400 as compared with the 1953 appropriation. The major part of this increase arises under the items for temporary assistance, travel and subsistence of staff (the proposed manningtable including two additional posts of interpreter-translator and three of Field Service personnel), and travel and subsistence of observers.

2. The estimates submitted by the Secretary-General appear generally to be reasonable, especially in view of the fact that he is requested under a resolution adopted by the Security Council on 24 November 1953 (S/3139/Rev.2, part C) "to consider with the Chief of Staff the best ways of strengthening the Truce Supervision Organization and to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may require for the performance of his duties". The Advisory Committee therefore recommends an appropriation under section 5 of \$528,400 for the Truce Supervision Organization for Palestine.

3. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimates in document A/C.5/569 are the eighth of a series to be submitted as detailed justification for this tentative figure.

DOCUMENT A/2597

Thirty-fourth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Military Observers in Greece

[Original text: English]
[3 December 1953]

1. The estimates for 1954 submitted by the Secretary-General (A/C.5/570) in respect of the United Nations Military Observers in Greece amount to \$49,000, by comparison with the 1953 appropriation of \$110,000. The decrease of \$61,000 is due to the fact that the Greek Government has requested the Secretary-General to consider the possibility of (a) limiting to three the number of Military Observers and (b) utilizing their services in Greece only up to the end of July 1954. The revised estimates are based on this request, which is subject to approval by the Balkan Sub-Commission.

2. The Advisory Committee accordingly recommends an appropriation under section 5 of \$49,000 for the United Nations Military Observers in Greece.

3. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76), for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/570 is the ninth of a series to be submitted as detailed justification for this tentative figure.

DOCUMENT A/2598

Thirty-fifth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Commission for the Unification and Rehabilitation of Korea

[Original text : English]
[3 December 1953]

1. In submitting an estimate of \$185,000 for 1954 in respect of the United Nations Commission for the Unification and Rehabilitation of Korea (A/C.5/571), the Secretary-General indicates that he considers it necessary, in the absence of action by the General Assembly at its current session with regard to the functions and responsibilities of the Commission, to make continuing budget provision for its requirements. While concurring in this view, the Advisory Committee trusts that as soon as decisions affecting the Commission are taken by the General Assembly, these will be promptly reflected in adjustments to the manning table and various objects of expenditure.

2. The item proposed for subsistence of members (\$40,300) is based on the rate of \$20 per day which was fixed by the General Assembly during 1950 as a uniform rate of subsistence for commissions and committees meeting away from Headquarters [resolution 459 (V) of 1 December 1950]. The Committee recognizes that this uniformity offers an administrative advantage, even though it results in practice in a disparity of

treatment as between various United Nations bodies; it recognizes also the exceptionally difficult conditions under which the members of this particular mission are working. For those reasons, the Committee, while suggesting that the rate of \$20 per day may in this case be somewhat high, makes no recommendation at this stage for its reduction. Similar considerations apply, of course, to the rate of subsistence proposed for the Principal Secretary.

3. Other items of expenditure proposed for 1954 are likewise based on the experience of 1953, and the Advisory Committee accordingly recommends an appropriation under section 5 of \$185,200 for the United Nations Commission for the Unification and Rehabilitation of Korea.

4. The provisional appropriation already recommended by the Advisory Committee (A/2403, paragraphs 74 to 76) for section 5 as a whole amounts to \$2 million. The estimate in document A/C.5/571 is the tenth of a series to be submitted as detailed justification for this tentative figure.

DOCUMENT A/2622

Report of the Fifth Committee

[Original text : English]
[8 December 1953]

1. In the course of thirty meetings held between 30 September and 5 December 1953, the Fifth Committee considered the budget estimates of the United Nations for the financial year 1954 as submitted by the Secretary-General and reviewed by the Advisory Committee on Administrative and Budgetary Questions. As a result of its deliberations, the Committee recommends that the General Assembly should approve appropriations for 1954 in the total amount of \$47,827,110. It further recommends that Miscellaneous Income for the financial year 1954 should be approved at an estimate of \$6,760,000, which amount applied as an offset against estimated gross expenditure for 1954 will produce a net figure of \$41,067,110.

2. The net expenditure amount will be subject to adjustments in accordance with the terms of financial regulation 5.2, estimated as follows :

	Dollars (US)
<i>Increase :</i>	
(a) Supplementary appropriation for the financial year 1953 (not yet approved)	1,541,750
<i>Decrease :</i>	
(b) Adjustment for an estimated increase in Miscellaneous Income for the financial year 1953	300,000
(c) Appropriations to be surrendered under financial regulations 4.3 and 4.4 in respect of the financial year 1952	1,008,860
	232,890
NET ADDITIONAL INCREASE	232,890

As a result of these adjustments, assessment of contributions from Member States for the financial year

1954, if appropriations are approved as recommended, will amount to \$41,300,000 as compared with \$44,200,000 for 1953, a decrease of \$2,900,000.

3. The Committee had before it as basic working documents the budget estimates (A/2383 and Add. 1)¹⁵ and information annexes submitted by the Secretary-General, and the first and fifth (A/2403, A2501)¹⁶ reports to the eighth session of the General Assembly of the Advisory Committee on Administrative and Budgetary Questions, as well as a statement of the 1953 budget expenses to 30 September (A/C.5/547). The Committee also examined revised estimates reflecting decisions taken by the Economic and Social Council at its fifteenth and sixteenth sessions (A/C.5/542); for the holding of the 1954 session of the International Law Commission at Geneva (A/C.5/555); for the acquisition and operation of radio transmitters at Headquarters and Geneva (A/C.5/559); for the enlargement of the dining room and cafeteria facilities (A/C.5/557). It also examined detailed estimates for various field missions under section 5, for which only a token global provision had been presented in the original budget estimates. In the course of its proceedings, the Committee was requested to deal with several items resulting from action in other Committees; the recommendations made in the present report provide for implementation of the General Assembly's decisions on those particular items.

¹⁵ See *Official Records of the General Assembly, Eighth Session, Supplement Nos. 5 and 5A.*

¹⁶ *Ibid.*, Supplement No. 7.

4. Throughout its meetings, the Committee had the assistance of the Chairman of the Advisory Committee on Administrative and Budgetary Questions who, as in past years, participated in the Committee's discussions. The Committee desires to record its high appreciation of the help it has received from the Advisory Committee, whose thirty-six reports on matters dealt with by the Fifth Committee during the eighth session greatly facilitated the successful completion of a lengthy and difficult agenda.

5. The present report is not intended to be an exhaustive review of the Committee's budget discussions, a more detailed summary of which, including the points of view expressed by individual delegations, is contained in the Official Records. Its purpose is to provide a synopsis of the main points emerging from the Committee's discussion of the budget proposals for the financial year 1954.

6. The Committee followed its practice of previous years by having a general discussion on the budget as a whole, including related administrative and financial issues. This general discussion was not limited either in scope or time, it being left to delegations to decide at which stage of the Committee's meetings they wished to make comments of a general nature. It was thus possible to examine a substantial number of budget sections without delay and to profit by a periodic review by delegations of the basic administrative and financial questions to which detailed examination of the estimates gave rise.

7. The general discussion was preceded by statements made by the Secretary-General and by the Chairman of the Advisory Committee.

8. The Secretary-General believed that the estimates represented a conscientious and informed effort to gauge the needs of the Organization during 1954 as they appeared to him at the time of the preparation of the estimates early in 1953. They had been based upon existing lines of administrative policy, since it was essential that major changes which must rest on a sound and solid foundation could not be safely initiated pending further careful study. He assured the Committee that he understood and sympathized with the widespread desire for early and effective action, and was satisfied that a measure of simplification could be brought about in the internal structure and functioning of the Secretariat, provided it were possible to develop a greater degree of elasticity which alone could make it possible to carry the same burden more economically. The Secretary-General stated that he had been gathering together a great amount of detailed information on these questions which he was currently surveying in the light of the many previous comments and suggestions made in the Fifth Committee and by the Advisory Committee and others regarding the ideal structure of the Secretariat, with the objective of reconciling the needs of the work to be performed with those standards of efficiency and economy which the Assembly had so insistently demanded. It was his expectation that the proposals he might eventually be in a position to make would point in the direction of economy as well as greater efficiency. Meanwhile, the Secretary-General considered that the Committee could only proceed with its review of the 1954 estimates on the basis of the reports and recommendations as originally submitted, taking account at a later date of whatever further reductions might be possible. The Secretary-General recognized that there would always be differences of opinion in budgetary matters and he was well content for the Fifth Committee, without any special pleading on his part, to come to its own conclusions as to what

would be a suitable level of appropriations for 1954 in the light of all the circumstances.

9. The Chairman of the Advisory Committee associated his Committee with a tribute paid to the Secretary-General by the Chairman on behalf of the Fifth Committee, stating that it was the desire of all the members of the Advisory Committee to maintain with the Secretary-General a relationship of harmony and mutual confidence. He emphasized that the recommendations of the Advisory Committee embodied in its first report (A/2403) were related to the existing administrative situation, and that none of the recommended cuts were intended to discount whatever further economy might prove possible under the Secretary-General's subsequent plan for re-organization, nor to prejudge matters in which the initiative must come from the Secretary-General. Commenting on the wisdom of the Secretary-General in not contesting the figures recommended by the Advisory Committee, the Chairman of the Advisory Committee stated that budget estimates being at best approximations, a tight budget was a healthy feature in an administrative structure such as the United Nations and that, should the Secretary-General be confronted with real hardship in the maintenance of essential activities and be unable to move with ease within the estimates as recommended, the Advisory Committee would assist him. He drew attention to the prominence given in chapter I of the Advisory Committee's first report to the question of documentation, stating that no one would deny that an excess of documentation did harm to the Organization and should be curbed. While there might be differences of opinion on the remedial measures to be taken, it was the view of the Advisory Committee that the point of excess in documentation had long since been reached, but it was for the Fifth Committee to judge whether such was the case and whether the prominence given to the matter by the Advisory Committee was justified.

10. The subject of re-organization of the Secretariat figured prominently throughout the Committee's discussion for it was recognized that this question had a direct bearing on a suitable level of appropriations. The Committee appreciated the fact that reasons beyond the control of the Secretary-General had so far prevented implementation of the task of reviewing the administrative services and structure of the Secretariat which the General Assembly had laid upon both the Secretary-General and the Advisory Committee in its resolution 681 (VII) of 21 December 1952 regarding the administration of the United Nations. The Committee's concern, however, that action should be taken as soon as practicable was manifest in the repeated references to the whole question which occurred frequently throughout the session. Delegations hoped that a detailed report would be shortly available but, if this were not possible, many expressed the opinion that such measures of re-organization as could be put into effect by executive action should not be held up pending consideration of the 1955 budget.

11. Delegations taking part in the general discussion during the 380th to 386th meetings commented both on the over-all aspects of the budget situation as well as on the specific questions to which the Advisory Committee had called attention in chapter I of its first report. Opportunity was afforded to delegations at the 404th meeting to summarize further their views on these specific points.

12. The opinion was widely shared that the reductions recommended by the Advisory Committee could be achieved without detriment to any essential activity or service, and would contribute towards a principal aim of the Fifth Committee that the budget it recommended should reflect the need to stabilize the ordinary annual

expenditure of the United Nations at a level sufficient to ensure the orderly execution of essential projects without imposing on Members an unduly heavy financial burden. The necessity to ensure strict economy throughout the working year in the use of the budgetary resources placed at the disposal of the Organization was given particular emphasis. Considerable attention was given to the urgent necessity to re-examine current work programmes and to keep them under constant review so that the Organization, in making a serious effort to put first things first and in devoting its limited resources to tasks of essential value only, could maintain the wide measure of public support which was indispensable to the success of its work.

13. Some delegations reaffirmed the view previously expressed in meetings of the Fifth Committee that the objective should be to operate within a given budget ceiling and suggested that an amount of \$35,000,000 net should be considered as an appropriate amount to cover all essential work. This target, they suggested, could be achieved by effecting economies in addition to those recommended by the Advisory Committee, particularly by reducing the excessively high staff costs and by eliminating certain activities which they deemed to be incompatible with the principles and provisions of the Charter.

14. Other delegations, while equally concerned to reduce the United Nations budget to the minimum necessary for effective operations, continued to urge, as they had done in previous years, that it was neither practicable nor desirable to impose a ceiling on that budget. They considered that the soundness of the United Nations structure as well as the efficiency of its operations should not be impaired from a desire to reduce the budget solely on grounds of economy. Delegations stating this view were prepared to consider on their merits all reductions proposed, and would support them provided they did not entail harmful consequences for work programmes, particularly in the field of Trust Territories or of economic development to under-developed countries, which they deemed it essential to carry through with vigour and resourcefulness.

15. A marked improvement in certain areas during the past year was observed with satisfaction, but delegations were generally agreed that there remained scope for further effective economy in the curtailment or postponement of non-priority tasks, and in the introduction of measures which would prevent the Secretariat from becoming too bureaucratic, and make it possible to reduce overhead and supervisory costs.

16. Apart from these general considerations the Committee discussed at length a number of administrative matters, all having a direct bearing on the budget.

DOCUMENTATION

17. One of the principal questions discussed related to documentation. Particular attention was paid to this problem during the general discussion (380th through 386th meetings), the review of section 15 (388th and 389th meetings) and of sections 25 and 26 (390th meeting), as well as during the consideration of chapter I of the first report of the Advisory Committee on Administrative and Budgetary Questions (403rd and 404th meetings).

18. Most of the delegations participating in the discussions expressed their concern over the unnecessarily large number and volume of documents being turned out by the Organization which, in their opinion, were not only causing unavoidable expenditure but also tending to lower the quality of the publications. They shared the views expressed by the Advisory Committee both

in regard to the need for economizing expenditure on this item and to the possible ways and means of achieving such economy.

19. Some delegations, however, while believing that reasonable economies were possible, urged caution in reducing the appropriation for what was considered to be part of the essential substantive work of the Organization. Several delegations emphasized the point that any reduction in documentation should not be at the cost of any particular official language but that it should be equally distributed among all languages.

20. The first report of the Advisory Committee and the discussions in the Fifth Committee revealed that economy in expenditure on documentation could be achieved in two ways : (i) by minimizing the printing costs and (ii) by strict control of the number and bulk of documentation.

21. With regard to item (i), the Advisory Committee, in paragraph 19 of its report, had referred to two courses open to the Secretariat, namely, (a) placing of printing orders in a number of different countries depending on prevailing rates so as to take advantage in the fluctuations in cost, and (b) interchanging the process of reproduction (e.g., the mimeographing of less important documents thus avoiding the higher costs involved in printing).

22. The delegation of Argentina suggested that it might be useful if the Secretary-General could study the extent of the economy likely to be derived if the Organization were to set up its own printing press. An exchange of views also took place on a United Kingdom suggestion that the matter of securing additional revenue by the sale of advertising space in the United Nations publications should be reconsidered, since it was the experience of the United Kingdom Government that the inclusion of appropriate commercial advertisements in official publications need not detract from the dignity or impartial character of the publication. It was agreed that the United Kingdom delegation would make available to the Secretariat concrete suggestions on the subject and that the Secretary-General would study the proposal and submit a report on it to the Advisory Committee and to the General Assembly at its ninth session.

23. Concerning item (ii) above, most of the delegations participating in the discussion fully endorsed the comments offered in paragraphs 20 to 30 of the Advisory Committee's report. The Fifth Committee had no doubt that effective control of documentation required a joint endeavour associating both the delegations and the Secretariat. While the Committee noted with appreciation that the Secretary-General had already issued certain administrative instructions to the Secretariat for strict control of documentation, it hoped that the Secretary-General would not only see to the proper implementation of these instructions but also take further steps towards achieving yet stricter control. The Committee also emphasized the need for the various United Nations bodies and its Members to keep constantly in view their responsibilities in assisting the Secretary-General by minimizing their demands for documentation. In this connexion, the Committee recalled the very pertinent suggestions made by the Administrative Committee on Co-ordination in its fifteenth report to the Economic and Social Council (E/2512) which were equally applicable to all other United Nations bodies. The Committee felt that a further strengthening of the Secretary-General's hands by a reaffirmation of General Assembly resolution 593 (VI), adopted on 4 of February 1952, was necessary to enable him to solve the problem with the assistance of all United Nations bodies and their Members. To this end, the United Kingdom delegation, at the 404th

meeting of the Committee, moved a draft resolution (A/C.5/L.252), to which certain oral amendments were proposed by the Danish and Belgian delegations and accepted by the sponsor. Accordingly, the Committee decided unanimously to recommend to the General Assembly the adoption of the draft resolution D which is included at the end of the present report.

PROGRAMME OF CONFERENCES

24. During the general discussion, several delegations referred to the necessity to adhere strictly to the terms of General Assembly resolution 694 (VII) of 20 December 1952, concerning the programme of conferences at Headquarters and Geneva, which had been adopted by the General Assembly on the recommendation of the Special Committee on Programme of Conferences.¹⁷

25. The Advisory Committee, in its fifth report to the eighth session (A/2501), had surveyed the developments which had led to the establishing of a fixed pattern. It pointed out that the proposals to distribute in a more rational way the conference workload between Headquarters and Geneva, in themselves occasioned expenditure, and still left unsolved the question of the most profitable use of Headquarters conference space for which maintenance costs would continue. When judged in relation to the heavy conference costs of previous years which had been incurred on the basis of *ad hoc* decisions because of the absence of a pattern, strict adherence to the fixed pattern would necessarily result in distinct administrative and budgetary advantages. These particular questions were further amplified by the Chairman of the Advisory Committee at the 397th meeting when he explained that it was precisely those advantages which had led the Advisory Committee to suggest the Secretary-General be authorized to take whatever steps might be necessary to give full effect to resolution 694 (VII). He emphasized also that the heavy cost involved in the transfer of language staff to the European Office would be justified only if the programme were given a full trial over the four-year period envisaged.

26. Several delegations strongly supported these views of the Advisory Committee which were embodied in a draft resolution (A/C.5/L.246) proposed by the delegation of the United Kingdom for the Committee's consideration. The representative of the United Kingdom explained that, given the importance of this question, it did not appear to his delegation that the responsibilities of the Fifth Committee could be discharged adequately by an expression of opinion. Action by the Committee should take the more positive form of a recommendation that the General Assembly should stress the need to adhere to the fixed pattern and should invite the specialized agencies to give it due consideration in drawing up their own programmes of meetings. The draft resolution, he stated, was intended to meet the desire of the Committee for economy and efficiency; its aim was to avoid any squandering of the funds of the Member States and to increase the effectiveness of the United Nations as a whole, since departure from the programme by any organ meant that other organs would be obliged to modify their arrangements, thus entailing a possibility of additional expenditure.

27. Some members, while not denying the importance of adhering to the pattern, saw no point in requesting the General Assembly to confirm a decision it had so recently taken. They were of the opinion that there was the danger of a precedent in this connexion which might lead to an impression that other decisions which

were not subsequently confirmed ceased to be valid. The draft resolution appeared to them to contain no new elements, for it was an understood thing that any modification of the programme would need special authorization by the General Assembly. They considered, in consequence, that the Committee could adequately reflect its views by a suitable reference in its report to the General Assembly and that the adoption of another resolution was superfluous.

28. Other members believed that confirmation by the General Assembly of its previous decision would be desirable because already, since the adoption of resolution 694 (VII), several organs had asked for an exception to be made in their case. Adoption of the United Kingdom draft resolution would forestall any attempt to modify the pattern of conferences which had been accepted as an appropriate means for making the best use of the staff and resources of the Organization. They considered that the General Assembly might with advantage confirm a previous decision in order to give it added weight; there had been instances of similar action in the past which had clearly not raised the point of precedent referred to.

29. In the light of its discussions, the Committee approved, by 21 votes to 1, with 23 abstentions, the draft resolution proposed by the United Kingdom delegation and accordingly recommends to the General Assembly the adoption of the draft resolution E which is included at the end of the present report.

OTHER MATTERS IN CHAPTER I OF THE FIRST REPORT OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

30. The Fifth Committee discussed in some detail a number of other matters on which the Advisory Committee had made pertinent observations in its first report since they had a direct bearing on the budget.

31. On the question of differentials applied to the base salary of internationally recruited staff in offices away from Headquarters, several delegations expressed their agreement with the Advisory Committee that it was important to ensure that differentials were so fixed at each duty station that the remuneration of professional officers should not be measurably out of scale with that of officials in comparable employment in the same area.

32. It was stated, on behalf of the Secretary-General, that a comprehensive report on the whole question would be submitted to the Advisory Committee. In reaching a satisfactory solution of the problem at issue which, while preserving a balance with the basic United Nations salary scale, would yet not be open to criticism from the governments of the countries in which field offices were located, complex technical problems were involved as well as the desirability of acting in concert with the specialized agencies.

33. Considerable attention was directed to the need to reduce expenditures to the fullest extent possible for temporary assistance, consultants and official travel, since there was a strong feeling in the Fifth Committee that by appropriate internal administrative action further economies could be achieved without impairing operations. The Committee was informed that there would appear to be no technical difficulties in establishing central control over temporary assistance expenditures and that the Secretary-General would weigh carefully the advantages of that system which had much to recommend it. The Committee saw distinct advantages also in a critical examination by the Secretary-General, prior to the submission of the 1955 estimates, of the requirements

¹⁷ See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 26, document A/2323.

of the Secretariat for consultants. Further, while the steps which the Secretary-General had taken for a rigorous control of official travel expenditures, in line with previous recommendations, were noted with satisfaction, the view was strongly expressed by a number of delegations that a similar control should be extended to cover those journeys proposed in connexion with conferences.

34. There was a recurrent reference in the general budget discussion to the need to correct existing defects in the structure of the Secretariat, bearing in mind the comments which the Advisory Committee had made in its current and previous reports on the high ratio of senior to junior posts in a number of departments. In this connexion also a number of delegations considered that the Committee's repeated insistence on equitable geographical distribution would not be fully implemented unless it were extended to cover posts at all levels and all grades.

35. The general discussion, as well as the Committee's review of the first part of the first report of the Advisory Committee, showed that there was substantial support for the general recommendations and remarks of the Advisory Committee contained in that part of the report. It was understood that the Secretary-General would accordingly take into account in his future activities those recommendations and comments contained in the reports of the Advisory Committee on the budget estimates for 1954 and 1953 which were addressed primarily to increasing the efficiency of the work of the Secretariat and to reducing unnecessary expenditures for its functioning and, by such means, to reducing the financial burdens of Member States.

36. A matter which featured prominently in the comments of many delegations was the reimbursement of national income taxes paid by staff members in respect of payments received from the United Nations. The Advisory Committee had drawn specific attention to this question in paragraphs 189 to 191 of its first report. Delegations noted the heavy charge for tax reimbursement which was added to the United Nations budget each year in the form of supplementary estimates; many felt this charge to be wholly unwarranted and hoped that all governments and particularly that of the United States of America, would comply with the terms of General Assembly resolutions 13 (I) and 239 C (III), so that the issue of reimbursement with which the General Assembly had been faced each year would be avoided. They expressed their desire for a successful conclusion to the measures which the Secretary-General had taken to secure that United States nationals on the staff would not be subject in the future to double taxation.

37. The Committee was informed by the Secretary-General that he would not submit at the current session any proposal to increase the Working Capital Fund during 1954. He had previously warned the Committee that the actual cash level of the Fund at certain periods of the year continued to give cause for serious concern, and that it might be necessary to take further action to ensure an adequate margin of funds for budgetary expenditures pending the receipt of contributions. A number of delegations took the opportunity, during the course of the Committee's meetings, to state that in their opinion the financial position of the Organization did not warrant any further increase in the level of the Fund and that they would be opposed to it.

ESTIMATES FOR ECONOMIC AND SOCIAL ACTIVITIES

38. Pursuant to General Assembly resolution 533 C (VI) of 4 February 1952, the Committee's discussion at a first reading of estimates for Secretariat costs supporting

the economic and social activities of the United Nations took place during the 398th to 400th meetings on the basis of the first and eighth reports of the Advisory Committee (A/2403 and A/2522 and Corr.1), the latter report containing that Committee's recommendations on the revised estimates submitted by the Secretary-General (A/C.5/542). The Advisory Committee had proposed that the Secretary-General's estimates for the Departments of Economic Affairs and Social Affairs should be reduced respectively by \$66,000 and \$63,000 and his estimates for the Regional Economic Commissions for Asia and the Far East and for Latin America should be reduced respectively by \$27,000 and \$50,860.

39. Many delegations were of the opinion that the comments which the Secretary-General had made in his initial statement to the Fifth Committee regarding a simplified organizational structure (paragraph 8 above) had particular relevance to the departments of the Secretariat concerned with economic and social activities. They recognized that the whole attitude of the Committee at the current session with regard to the budget had been prompted by the need to await the outcome of the Secretary-General's reorganization study, and that in consequence, the Committee would be well advised to accept the recommendations made in its first and fifth reports by the Advisory Committee. Not only were those recommendations based upon solid justification, but since the level of appropriations, so recommended, had not been contested by the Secretary-General, it could be reasonably assumed that the reductions proposed would not impair the implementation of agreed work programmes. Some delegations, however, expressed their keen disappointment that in spite of the previous insistence of the Committee that something should be done to bring about a measure of simplification in the organization of the departments dealing with economic and social matters, estimates continued to be presented in support of a cumbersome structure which resulted in obvious duplication of activities and excessively high administrative costs. They urged the Committee to approve at the current session a substantial reduction, exceeding that proposed by the Advisory Committee, since they were of the opinion that the various defects in staffing and organization to which the Committee had insistently drawn attention had been ignored.

40. Other delegations, while prepared to support the reductions for the two Headquarters departments, did so only on the understanding that the essential work programmes would not be hampered. In the matter of reorganization, they were apprehensive lest it should be effected with purely administrative considerations in mind. They believed that no steps should be contemplated which would jeopardize the performance of a substantial and comprehensive programme designed by the General Assembly to hasten economic development in many countries, and that subsequent proposals relating to the structure and budget requirements of the Departments of Economic Affairs and Social Affairs must reflect the General Assembly's wishes in that connexion.

41. The Committee discussed in detail particular observations of the Advisory Committee in paragraphs 118 to 122 and 124 to 129 of its first report to the eighth session and, in the light of this discussion, felt it should not go beyond the reductions which the Advisory Committee had recommended. It rejected the proposals which had been made by the delegation of the USSR for additional reductions of \$400,000 with respect to the Department of Economic Affairs and of \$300,000 with respect to the Department of Social Affairs.

42. In reviewing estimates for the regional economic commissions, a number of delegations expressed emphatically their opposition to reductions which would adversely affect

the work programmes of the commissions. They felt that increasing regional developments which were achieving practical results necessitated larger estimates, but that the commissions had observed reasonable caution in reducing progressively the ratio of increase. They believed that the peoples of the regions served by the Economic Commission for Asia and the Far East (ECAFE) and by the Economic Commission for Latin America (ECLA) felt some anxiety at the prospect of a reduction in the appropriations which the Commissions themselves with full knowledge of the problems involved had felt essential for the complete undertaking of the specific tasks with which they were dealing when those tasks comprised so small a part of an immeasurably larger task with which the people in Asia and the Far East and in Latin America were faced in their pursuit of better standards of living and improved working conditions.

43. It was recognized, however, that the development of suitable and sufficiently flexible budgets must be based on a more precise definition of the respective functions of Headquarters and of the regional economic commissions. Many delegations felt that there was a need which could be met by careful planning for integration of Headquarters and regional studies in such a way that overlapping of activities would be reduced to a minimum and the requirements of all organs would still be satisfactorily met. Attention was also drawn to the usefulness which could result from the development of parallel projects by Headquarters departments and the regional economic commissions which, while affording scope in particular cases for wide and independent action, would at the same time provide for a comprehensive and unified approach to the number of important undertakings of the United Nations in the economic field. From both of the above courses it was considered that additional economies might reasonably be achieved.

44. The Committee examined the reasons supporting the reductions of credits for ECAFE and ECLA. As regards the latter, for instance, the representative of the Secretary-General explained that of the \$50,860 reduction proposed, a sum of \$30,000 was due to the application of a minus 10 per cent differential to the salaries of professional staff at Santiago; this action would not entail any reduction in the number of posts proposed for ECLA, so that the difference between the Secretary-General's estimates and the Advisory Committee's recommendation was only \$20,860.

45. The representative of Argentina, who had proposed that the budget for ECLA should be approved as submitted by the Secretary-General, withdrew his proposal and gave his support to an alternative proposal by the representative of France, the effect of which was to restore \$10,000 to the estimates of both ECLA and ECAFE as a gesture of solidarity and of the Committee's appreciation of the problems confronting the peoples in those regions.

46. This particular proposal gave rise to considerable discussion. It was pointed out that it was the practice of the Fifth Committee not to restore cuts recommended by the Advisory Committee if the Secretary-General had given no indication that their application would lead to decreased efficiency. The Chairman of the Advisory Committee also explained that before his Committee reached final conclusions on the estimates, the Secretary-General was advised beforehand of the Committee's intentions, but that the Secretary-General had offered no objection regarding these particular reductions. He felt in the circumstances that any new procedure of the nature proposed to restore cuts which the Advisory Committee had recommended would create a dangerous

precedent and might have far-reaching results. This view received a fair measure of support from delegations who stated that, since the French proposal was not based on financial and administrative considerations and since it did not appear that the reductions proposed by the Advisory Committee would jeopardize the work of ECAFE and ECLA, the Advisory Committee's conclusions should be supported. They also referred to the Fifth Committee's previous action in refusing a restoration of a cut in the budget of the High Commissioner for Refugees which had only been recently discussed. Other delegations felt that no question of principle was involved since the Advisory Committee as an expert body confined its recommendations to questions of administrative and budgetary significance, whereas the Fifth Committee and the General Assembly had to take broader views and not limit their decisions entirely to those considerations.

47. A number of other delegations favoured a suggestion from the representative of the United States that, rather than restore any sums to the budgets of ECAFE and ECLA, the Secretary-General should make additional funds available, if required, by transfer within the budget with the concurrence of the Advisory Committee. The French proposal was adopted by 30 votes to 17, with 2 abstentions. In the light of its discussions, the Committee thus approved appropriations for the Departments of Economic Affairs and Social Affairs at the level recommended by the Advisory Committee and those for ECAFE and ECLA each at a level of \$10,000 above the amount which the Advisory Committee had recommended. The Committee's specific appropriation actions on the relevant sections of the budget are recorded below.

TELECOMMUNICATION FACILITIES

48. At its 411th meeting, the Fifth Committee considered the report of the Advisory Committee (A/2557) relating to a proposal submitted by the Secretary-General (A/C.5/559) for the acquisition of radio transmitters by the United Nations and for their operation at New York and at Geneva in replacement of the existing system of a rented teletype circuit. It was noted that although the proposal would necessitate an increase in the 1954 estimates of \$43,400, against which off-setting revenue would amount to \$9,000, in subsequent years the relevant appropriations would be reduced by a total of \$17,700 by comparison with the 1953 figure and miscellaneous income would be increased, as in 1954, by \$9,000 per annum. The Committee approved the proposal to acquire the radio transmitters on the understanding that the scheme was consonant with the provisions of section 4 of article II of the United Nations-United States Headquarters Agreement (resolution 169 (II) of 31 October 1947) and that in particular the arrangements stipulated in paragraph (b) of that section had been or would be made by the United Nations, and also on the understanding that a strict control would be exercised over the nature and length of cable messages accepted for transmission over the new system.

49. The Secretary-General gave a further assurance that the United Nations would operate the transmitters in accordance with the terms of the International Telecommunication Convention and the Telegraph Regulations annexed thereto as was required by article XVI of the Agreement concluded between the United Nations and the International Telecommunication Union, and would comply with the provisions of articles I and

II of regulation 26 annexed to the International Telecommunication Union Convention signed at Buenos Aires.

50. This action of the Committee affected its previous decisions regarding sections 18, 19 and 20 of the budget estimates. The Committee accordingly approved the necessary corresponding adjustments in those sections by 39 votes to none, with 5 abstentions.

APPROVAL OF THE ESTIMATES

51. The Fifth Committee's conclusions upon individual sections of the 1954 budget are recorded in the following paragraphs of the present report. They were formulated for the most part in the course of a detailed first reading of the estimates in which the Committee followed its customary procedure of using the reports and recommendations of the Advisory Committee as a basis for its decisions.

52. In reaching its conclusions the Committee examined also the statement showing actual budget expenses for the current year up to 30 September 1953 (A/C.5/547). It was agreed that in future the Secretary-General should issue similar reports earlier, so that they would be available at the time the Committee began its consideration of the estimates, and that in addition to the record of actual expenditure incurred they should provide an estimate of anticipated expenditure for the balance of the year.

53. At the 424th meeting, a second reading of the estimates was undertaken in the course of which the amounts of each section of the budget as approved at a first reading were confirmed in all instances. These amounts, together with a record of the second reading votes, are specified in paragraph 194 below.

54. A clarification was requested of the Secretary-General concerning paragraph 27 of his report on the Organization of the Secretariat (A/2554), which he had submitted under agenda item 48. In this paragraph, the Secretary-General had stated that on the basis of the policies and arrangements set forth in his report, and with the full co-operation of the organs of the United Nations, he hoped to be able to achieve a reduction in the overall budget of the United Nations of \$1 million over the fiscal year 1954, but that the incidence of this saving could only be determined as the review of the Secretariat's operation proceeded and in the light of the decisions of other organs of the United Nations, as they affected the workload. In reply to the representative of the Union of Soviet Socialist Republics who had raised the question as to how the 1954 budget was likely to be affected, the Secretary-General stated that he hoped to achieve savings of the order envisaged in two principal ways. Firstly, by a reduction of staff mainly through the normal process of turnover, and secondly, by a revision of tasks on the basis of appropriate recommendations made by the organs concerned with which he would consult. The Secretary-General felt that the Committee would recognize the difficulty in spelling out precisely beforehand the budgetary effect which might result from either of these courses of action, but it could expect savings on the appropriations it had voted to result during the course of 1954, which savings would considerably offset the total of any supplementary estimates with which the Committee might be requested to deal at the ninth session.

55. In the light of its critical examination of budgetary requirements for the United Nations during the financial year 1954, the Fifth Committee recommends for adoption by the General Assembly the draft resolutions relating

to budget appropriations, unforeseen and extraordinary expenses and the Working Capital Fund, which are included as draft resolutions A, B and C at the end of the present report.

Section 1. The General Assembly, Commissions and Committees

56. The Committee examined the estimates for section 1 at its 391st meeting. The recommendation of the Advisory Committee in its first report to reduce the Secretary-General's estimate for temporary assistance, overtime and night differential by \$35,000 was considered justified since the Secretary-General should now be able to meet more fully than in past years the needs of the Organization during peak periods by inter-departmental transfer of staff and to hold additional temporary recruitment to a minimum. The representative of the USSR, while fully supporting this view, felt that a reduction of \$35,000 only would not fully reflect the Committee's conclusions; his proposal for a further reduction of \$40,000, however, was not accepted.

57. It was noted that the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly had been informed (A/2402) that the General Assembly usually lost the equivalent in working time of 114 meetings of fourteen working days. A strict adherence to the scheduled time-table of meetings would, in the opinion of the Fifth Committee, open up a possibility for substantial savings in this section. The opinion was also expressed that it would be appropriate, in connexion with any proposals for re-organization, to review the present working methods of the General Assembly.

58. The Committee's conclusions on the question of remuneration and allowances to members of commissions and committees, to which the Advisory Committee had drawn attention in paragraph 57 of its first report relating to estimates for the International Law Commission, were reported to the General Assembly in its report under item 68 (b) of the agenda (A/2571).

59. The Committee approved unanimously, at its 391st meeting, a provisional estimate of \$533,600 for section 1 as recommended by the Advisory Committee.

60. The following adjustments to this amount were subsequently approved. Under rule 152 of the rules of procedure of the General Assembly the Committee had advised (A/2602) the General Assembly that adoption of the draft resolution proposed by the Second Committee under item 26 (a) of the agenda would involve a total budgetary provision of \$11,100, of which a sum of \$5,600 would fall under section 1.

61. Also under rule 152, the Committee, having rejected, by 29 votes to 5 with 2 abstentions, a proposal by the USSR that no budgetary provision should be made, advised the General Assembly (A/2609) that adoption of the draft resolution proposed by the Third Committee under agenda item 71 would involve foreseeable budgetary expenditure of \$6,600 under section 1, with additional costs under the resolution on unforeseen and extraordinary expenditure should the *Ad Hoc* Commission on Prisoners of War find it necessary to meet outside of Headquarters or Geneva.

62. At its 424th meeting, the Committee adopted revised estimates as recommended by the Advisory Committee in its twenty-ninth report (A/2585) in respect of a session of the International Law Commission in 1954

at Geneva. These estimates, covering a meeting of eight weeks' duration, allowed a reduction in the original estimates for section 1 of \$4,050. The Advisory Committee's recommendation made provision only for the travel of two substantive staff members from Headquarters instead of three as requested by the Secretary-General. While the appropriation was maintained at the sum recommended, it was understood that, should the Secretary-General find it necessary to do so, he could authorize the travel of an additional officer to service this meeting.

63. The appropriation for section 1 was confirmed at the second reading by 34 votes to 6 in the amount of \$541,570.

Section 2. The Security Council, Commissions and Committees

64. At its 391st meeting, the Committee approved the maintenance of section 2 *pro forma* in the 1954 budget, noting that the necessary sums for printing the Official Records of the Security Council were provided for in section 25—Official Records.

Section 3. The Economic and Social Council, Commissions and Committees

65. The original estimates for section 3 having been prepared before the sixteenth session of the Economic and Social Council, revised estimates submitted by the Secretary-General (A/C.5/542) were examined by the Committee at its 401st meeting, in addition to which the Committee had before it the eighth report of the Advisory Committee (A/2522), recommending a total provision under section 3 of \$164,180.

66. In its first report, the Advisory Committee had recommended that the Secretary-General's original estimates should be reduced from \$148,700 to \$140,500, to be applied principally to the item providing for the assignment of Headquarters staff to the summer session of the Economic and Social Council at Geneva. The Fifth Committee unanimously approved this recommendation and further considered that the Secretary-General should be guided to the fullest extent possible by the detailed observations of the Advisory Committee contained in paragraphs 85 to 89 of its fifth report (A/2501) regarding the assignment of substantive staff from Headquarters to the Geneva sessions of the Economic and Social Council and other bodies.

67. The Fifth Committee, noting that the Advisory Committee's recommendations were based upon implementation of General Assembly resolution 694 (VII) of 20 December 1952 concerning the programme of conferences, approved the deletion of a sum of \$1,750 from the Secretary-General's estimates for chapter I, on the understanding that, should the seventeenth session of the Economic and Social Council meet away from Headquarters, the Secretary-General would be authorized to provide for the travel and subsistence of the Rapporteur on Freedom of Information, either by an additional budget provision or by transfer from other budget sections.

68. For a similar reason, the Advisory Committee had recommended (A/2522), as a question of principle that budgetary provision for holding the conference on customs formalities should be based upon a meeting at Headquarters rather than at Geneva, with resulting savings of \$37,300. The Committee enquired why the Economic and Social Council had expressed a preference for Geneva, and why the estimate of \$32,300 for

additional temporary assistance for a meeting there was so high. It was stated on behalf of the Secretary-General that the Council had taken into consideration the fact that international problems concerning tourism and the temporary importation of private vehicles arose mainly in Europe; the conference was a special conference to which all Member States had been invited; although it was not yet known which countries would attend, those most directly concerned would be European. It was further explained that the Geneva budget was framed to provide only for the workload of normal Geneva-based organs; additional temporary assistance funds were necessary to provide for the conference if it were to take place at the European Office. The provisional opening date fixed for it would permit the use of Headquarters staff already in Geneva for the Council's summer session and thereby reduce travel costs; the cost of additional temporary staff had in consequence been estimated at an essential minimum.

69. Several delegations expressed the view that the customs formalities conference was of a special character and should not be considered as falling within the four-year fixed pattern. Since participating States would be faced with considerable expenditure apart from the United Nations budget, those delegations considered it reasonable that the conference should be held in Geneva if the Secretary-General received information that most of the participating countries would be European, or if the Council reaffirmed its preference for that venue.

70. Other delegations considered that, although this particular conference might be held to fall outside the fixed pattern, the United Nations had to defray the organizing expenses and the Committee could not overlook the very sizeable savings in the budget which would result from holding the conference at New York.

71. In the light of the discussion, the Committee decided, by 39 votes to 5 with 4 abstentions, that as recommended by the Advisory Committee the supplementary provision should be limited to a sum of \$23,680, and it approved, by 43 votes to none, with 5 abstentions, a total revised appropriation for section 3 of \$164,180.

Section 3a. Permanent Central Opium Board and Drug Supervisory Body

72. The Secretary-General's estimates of \$21,400 for section 3a recommended by the Advisory Committee in its first report were approved unanimously at the 401st meeting.

Section 3b. Regional Economic Commissions

73. Several delegations supported the view expressed by the Advisory Committee in its first report that sizeable savings could be achieved if the Regional Economic Commission for Asia and the Far East, following the practice of the Regional Economic Commission for Latin America, met at its Headquarters once every two years. The Committee concurred in the reasons given by the Advisory Committee for a reduction of \$5,800 in the Secretary-General's estimates and approved unanimously, at its 401st meeting, an appropriation of \$72,000 for section 3b.

Section 4. The Trusteeship Council, Commissions and Committees

74. At its 391st meeting the Committee approved unanimously the Secretary-General's estimate of \$50,000 for section 4, recommended by the Advisory Committee

in its first report, subject to adjustment if necessary to be agreed by the Advisory Committee when the actual requirements for the 1954 Visiting Mission became known.

Section 5. Investigations and Inquiries

75. To provide for the requirements of United Nations Missions, the Advisory Committee in its first report (A/2403) had recommended, on a provisional basis, a global appropriation of \$2 million. Subsequently, detailed estimates were submitted by the Secretary-General in amplification of this global appropriation, in addition to which the Committee, as a basis for its consideration, had before it, in respect of each item, separate reports of the Advisory Committee.

76. For reasons set out in the summary records of the meetings of the Fifth and other Committees, certain representatives expressed the opposition of their delegations to the provisions of credits for some of these activities.

77. At its 405th meeting, estimates for the Advisory Council for the Trust Territory of Somaliland under Italian administration (A/2549, A/C.5/552) were approved, by 36 votes to 8, with one abstention, in the sum of \$150,000, the Committee having rejected, by 21 votes to 12, with 12 abstentions, a proposal of the delegation of Colombia to increase the appropriation of \$19,000 above that sum which the Advisory Committee had recommended. At its 424th meeting, on the basis of the Secretary-General's estimates (A/C.5/565), with which the Advisory Committee concurred, the Committee approved by 40 votes to 5 with no abstentions, an additional appropriation of \$22,000 for the purchase of the compound used by the Advisory Council, after it had rejected by 39 votes to 5, with no abstentions, a proposal of the USSR that no appropriation should be made for that purpose.

78. At the 406th meeting, appropriations were approved, as follows, in each case as recommended by the Advisory Committee:

(i) For the United Nations Tribunal in Libya (A/2551, A/C.5/552): the Committee rejected, by 29 votes to 5, with no abstentions, a proposal of the USSR to delete the provision, and approved an appropriation of \$111,000 by 31 votes to 5, with no abstentions.

(ii) For the United Nations Tribunal for Eritrea (A/2550, A/C.5/551): the Committee rejected, by 36 votes to 5, with one abstention, a proposal of the USSR to delete the provision, and approved an appropriation of \$25,000 by 37 votes to 5, with one abstention.

(iii) For the repatriation of Greek children (A/2552, A/C.5/553): the Committee approved an appropriation of \$5,000 by 44 votes to 5, with no abstentions.

79. At the 424th meeting, the Committee took action on budgetary requirements for other activities falling under this section 5 as follows:

(i) For the purchase of Korean service medals (A/2583, A/C.5/556): the Committee rejected a proposal of Poland to delete the provision, by 33 votes to 5, with 2 abstentions. An appropriation of \$343,000 was approved by 33 votes to 5, with 4 abstentions, and the Secretary-General was further authorized, under the resolution on unforeseen and extraordinary expenses, to enter into additional commitments not exceeding a total of \$184,000.

(ii) For the Military Observers Group in India and Pakistan (A/2584, A/C.5/558): a proposal of Czecho-

slovakia to delete the provision was rejected by 39 votes to 5 with no abstentions. The Committee approved an appropriation of \$581,200 by 39 votes to 5, with no abstentions. As the scope and duration of the activities in 1954 of the United Nations representative in India and Pakistan could not be accurately foreseen at the present stage, the Committee agreed that necessary expenditures for this purpose should be met by withdrawals from the Working Capital Fund in accordance with the provisions of sub-paragraph (a) of the resolution on unforeseen and extraordinary expenses.

(iii) For the United Nations Conciliation Commission for Palestine (A/2595, A/C.5/568): the Committee approved an appropriation of \$61,200, by 40 votes to 5, with 2 abstentions. The Committee agreed that, should it prove necessary for the Commission to meet away from Headquarters—the seat of the Commission—any additional expenditures should be met by withdrawals from the Working Capital Fund in accordance with the provision of sub-paragraph (a) of the resolution on unforeseen and extraordinary expenses.

(iv) For the United Nations Truce Supervision Organization for Palestine (A/2596, A/C.5/569): the Committee approved an appropriation of \$528,400 by 42 votes to none, with 6 abstentions.

(v) For the United Nations Military Observers in Greece (A/2597, A/C.5/570): the Committee rejected a proposal of the USSR to delete the provision, by 41 votes to 5, with 1 abstention, and approved an appropriation of \$49,000 by 40 votes to 5, with 2 abstentions.

(vi) For the United Nations Commission for the Unification and Rehabilitation of Korea (A/2598, A/C.5/571): the Committee rejected a proposal of the USSR to delete the provision by 41 votes to 5, with no abstentions, and approved an appropriation of \$185,200 by 42 votes to 5, with no abstentions.

80. At the second reading, the above amounts for section 5 were confirmed in the total of \$2,061,000, which the Advisory Committee had recommended.

Section 5a. United Nations Field Service

81. At the 424th meeting, the Chairman of the Advisory Committee stated that the provisional estimate his Committee had recommended for section 5a was now confirmed. A proposal of Czechoslovakia to delete from the budget any provision for the Field Service, since such a service was inconsistent with the provisions of the Charter, was rejected by 42 votes to 5. The recommendation of the Advisory Committee for an appropriation under section 5a of \$566,300 was approved by 43 votes to 5.

Section 6. Executive Office of the Secretary-General

82. At its 381st meeting the Committee examined the estimates for section 6. The Advisory Committee in its first report had recommended a reduction of \$2,000 in the amount proposed by the Secretary-General for temporary assistance. The representative of Argentina was of the opinion that the Secretary-General's Executive Office was in a particularly good position to arrange for temporary transfers of officials from other departments during peak periods. The Committee, however, did not support his proposals for a further reduction of \$3,000. By 47 votes to none, with 1 abstention, the appropriation of \$394,000, as recommended by the Advisory Committee, was approved.

Section 6a. Library

83. In the discussion on the Headquarters Library, at the 381st meeting of the Fifth Committee, some representatives expressed concern at the reduction of \$19,000 proposed by the Advisory Committee in its first report on the Secretary-General's estimate of \$479,300. The Chairman of the Advisory Committee gave additional explanation of that proposal in amplification of the comments contained in paragraphs 85 to 92 of the Advisory Committee's report. Referring also to paragraph 202 of the Committee's report, he pointed out that there was no doubt that the present tempo of acquisitions, if maintained, would soon necessitate a new building. Since the organization in all probability would not have the necessary money, appropriate steps should be taken now to confine new purchases strictly to essential needs. He emphasized the fact that his comments did not prejudice a decision on the ultimate size of the Library.

84. The representative of Israel, commenting on paragraph 88 of the first report of the Advisory Committee, considered that the principle stated there was open to question and his delegation could not approve a reduction made solely for reasons of economy if it were to lower the quality of the services. He stressed the central importance of the Library as the source of the material upon which the organization depended to ensure that its published studies were factually correct and convincing, and the need to ensure that, as far as basic works relating to the United Nations particular spheres of activity were concerned, the Library should be as adequate as the Organization could make it. Several delegations, supporting this view, considered that the Library should be such that it could provide even greater facilities with the years, and the proposed reduction could not be reconciled with that principle.

85. Other delegations were of the opinion that a larger reduction than that proposed should be possible. Since the total budget for the Library under all headings exceeded \$530,000 they considered that reductions in permanent staff, as well as further economies under temporary assistance, consultants, contractual services and supplies, could be brought about without impairing its work.

86. For the most part delegations supported the conclusions of the Advisory Committee; they did not consider that a reduction of \$19,000 in the estimates would affect adversely the Library's essential operations.

87. The Committee rejected, by 38 votes to 4 with 4 abstentions, both a proposal of the USSR to reduce the estimates by a further \$30,000, and a proposal of Israel that the estimates should be approved as originally presented by the Secretary-General. By 45 votes to none with 4 abstentions, the Committee approved an appropriation of \$460,300 as recommended by the Advisory Committee.

88. Pursuant to rule 152 of the rules of procedure, the Committee advised the General Assembly (A/2578) that adoption of the draft resolution proposed by the Sixth Committee under agenda items 58, 70 and 72 would involve a budgetary provision of \$30,000 to be divided between sections 6a and 26 at the discretion of the Secretary-General. The Committee at the second reading agreed to increase the requirements for section 6a by \$18,830 and confirmed a total provision for the Library of \$479,130.

Section 7. Department of Political and Security Council Affairs

89. At its 381st meeting, the Committee approved unanimously the estimate of \$758,500 for section 7 as recommended by the Advisory Committee in its first report, which represented a reduction of \$1,500 in the Secretary-General's estimates.

Section 8. Military Staff Committee Secretariat

90. The Committee approved unanimously the estimate of \$136,900 for section 8 as recommended by the Advisory Committee in its first report. It noted the reasons set out in paragraphs 96 to 100 inclusive of that Committee's first report, limiting the budgetary recommendations of the Advisory Committee to a token cut only of \$3,000 in the estimates originally presented by the Secretary-General.

Sections 9, 27, 28 and 29. Technical Assistance Administration and Technical Programmes

91. The budget estimates for sections 9, 27, 28 and 29 were considered by the Committee at its 384th and 385th meetings. In its first report, The Advisory Committee had given its views on the administrative organization of the Technical Assistance Administration and had recommended the adoption of the Secretary-General's estimate of \$386,700 for section 9, suggesting that the total administrative and indirect operational expenditure, shown at \$1,548,500, should not exceed the 1953 estimate of \$1,500,000 and that efforts should be made to arrive at a still lower figure. The Advisory Committee had also recommended approval of the Secretary-General's estimate of \$1,392,900 for the technical programmes included in sections 27, 28 and 29.

92. Discussion in the Fifth Committee was directed towards the administrative and financial aspects of a programme during that discussion in which the quality of the contribution made by the Technical Assistance Administration was given appreciative recognition by the Committee. It was generally considered that, while the Committee should recommend no action which might jeopardize the successful execution of projects, it should on the other hand examine scrupulously all means whereby expenditures for administrative costs might be legitimately reduced and funds freed to the fullest extent possible for the actual operation of programmes.

93. The Committee was informed by the Director-General of the Technical Assistance Administration of the particular difficulties which had persisted throughout 1953; it was much impressed by his statement that, as a result of these difficulties, it had been necessary to revise the basic programme of TAA five times during the current year. The Director-General also explained the steps taken during 1953 year to achieve the economies in administering the programme which the Advisory Committee had recommended at the seventh session of the General Assembly, as a result of which it had proved possible to reduce the number of posts at Headquarters from 184 in 1953 to 162 for 1954.

94. Mindful of the necessity for a clear expression of the Committee's concern to secure the most effective use of the funds compulsorily and voluntarily contributed to the programme, the representative of the United States of America considered that a further reduction in administrative costs below the sum recommended by the Advisory Committee was warranted. He proposed the insertion of a final paragraph in the appropriation

resolution which would place a ceiling of \$1,400,000 on administrative and indirect operational costs of 1954 (A/C.5/L.239).

95. A number of delegations expressed their satisfaction with the efforts made by TAA to reduce administrative costs. They thought that the Director-General would do his utmost to keep such costs to a minimum, using as a guide the valuable and considered comments of the Advisory Committee. Some believed that the United States proposal was open to objection on grounds of principle, others that it was too severe and since it might prejudice implementation of the programme they would be reluctant to support it unless it were endorsed by the Director-General without reservation.

96. The Director-General gave his opinion that the United States proposal lacked flexibility. If it were approved, TAA might find itself in a position that it could not spend all the funds assigned to it by the Technical Assistance Board during 1954. He gave his assurance that TAA would heed the United States appeal for economy as it had demonstrably heeded that of the Fifth Committee in the preceding year, and would take all the steps it could to realize the purposes of the recommendation. In the light of that assurance the delegation of the United States withdrew its proposal.

97. Members generally agreed that a further attempt should be made to provide a clearer definition of "administrative" and "indirect operational" costs. Use of the latter term appeared to leave some doubt as to the real level of administrative expenditure, although the difficulty in reaching a definition which would be valid for all organizations participating in the programme was realized.

98. The Committee devoted considerable attention to the internal organization of TAA upon which the Advisory Committee had commented in detail. There was considerable support for the view that, irrespective of measures taken by the Technical Assistance Board (TAB), some internal reform of TAA was indispensable. The Committee was gratified to learn that the Director-General intended to re-examine the question of TAA's staffing requirements as well as its organic structure and working methods, in the light of the Advisory Committee's comments and recommendations.

99. The recommendations of the Advisory Committee on the provisions to be made under relevant sections of the United Nations budget for technical assistance activities were adopted unanimously—the following sums being approved:

	<i>Dollars (US)</i>
Section 9	386,700
Section 27	768,500
Section 28	479,400
Section 29	145,000

100. In the course of the discussions on the Expanded Programme as a whole, many members of the Committee agreed with the Advisory Committee's views that the country resident representatives of the Technical Assistance Board should be assigned functions which would bring about the most effective co-ordination of activity, and which would lead to reductions in the administrative expenses of all participating organizations. They felt also that the Advisory Committee should examine the joint administrative costs of the programme to enable the General Assembly to supervise expenditures of TAB, which included those of the offices of resident representatives.

Sections 10 and 11. Departments of Economic Affairs and of Social Affairs

101. In the light of its discussion on the budget sections dealing with the economic and social activities of the United Nations, which is recorded in paragraphs 38 to 147 of the present report, the Committee, at its 400th meeting, took the following action on the budget estimates for sections 10 and 11.

102. It rejected by 46 votes to 5, with no abstentions, a proposal of the USSR to reduce the estimate for section 10 by \$400,000 below the amount recommended in its first report (A/2403) by the Advisory Committee. After approving a supplementary provision of \$9,000 (A/2522) by 46 votes to 5, with 1 abstention, the Committee approved by a similar vote a revised appropriation of \$2,263,700 for the Department of Economic Affairs, as recommended by the Advisory Committee.

103. A proposal of the USSR to reduce the estimates for section 11 by \$300,000 below the amount recommended by the Advisory Committee in its first report, was rejected by 46 votes to 5, with no abstentions. The Committee then approved, by 46 votes to 5, with 1 abstention, an appropriation of \$1,704,000 for the Department of Social Affairs, as recommended by the Advisory Committee.

Section 12. Department of Trusteeship and Information from Non-Self-Governing Territories

104. At its 386th meeting, the Committee considered the estimates for section 12. The Advisory Committee in its first report had recommended a reduction of \$20,000 in the Secretary-General's estimate of \$958,400.

105. While the Fifth Committee generally considered some reduction in the estimates submitted was possible, several delegations expressed their concern lest such reduction would adversely affect the proper performance of activities in which they were vitally interested. The representative of Egypt made it clear that his delegation for this reason was opposed to any reduction over and above that recommended by the Advisory Committee. The representative of the United Kingdom stated that, in supporting the recommendations of the Advisory Committee for the 1954 budget only, his delegation had kept in view the study of the reorganization of the Secretariat which the Secretary-General had in hand as well as the possibility of achieving further economies by avoiding repetition in documentation through careful editing.

106. Particular attention was paid by several delegations to the Advisory Committee's comments in paragraph 131 of its report relating to the volume of documentation prepared by the Department. While the Committee realized that the Trusteeship Council was ultimately responsible for the size and contents of its reports it also felt that the Secretariat which prepared the drafts should take the initiative in suggesting suitable changes in presentation so as to weed out unnecessary details and avoid repetition.

107. Certain delegations dwelt on the particular items to which the global reductions proposed by the Advisory Committee ought to apply, but it was generally agreed that discretion in this respect should be left to the Secretary-General.

108. The representative of the USSR expressed the view that the reduction proposed by the Advisory Committee did not measure up to the conclusions arrived at by that Committee. He referred in particular to the

doubt expressed by the Advisory Committee as to the need for the number and level of staff assigned to administrative functions. He also pointed out that professional posts accounted for more than half the total established posts (114) in the Department, that there was a large number of high level posts in the divisions and particularly in the office of the Assistant Secretary-General, and he believed there was overlapping in the duties performed by certain officers. For these reasons, his delegation proposed a reduction of an additional \$30,000.

109. The representative of the Secretary-General, who had been asked for an assurance that the proposed reduction would not adversely affect the work, indicated that the reduction proposed by the Advisory Committee could be met by not filling certain vacant posts. As regards the additional reduction proposed by the delegation of the USSR, he stated that it would be very difficult to absorb such a reduction, if the Department was to carry out all the tasks entrusted to it. In reply to the criticism that the number of high level posts in the Assistant Secretary-General's office was excessive, he pointed out that the Principal Director was concurrently acting as Director of the Division of Trusteeship and that the Deputy Director of the Division of Non-Self-Governing Territories had the additional function of Chief of the Specialists' Unit.

110. The Committee, by 37 votes to 5, with 3 abstentions, rejected the USSR proposal for a reduction of a further \$30,000 and approved, by 46 votes to none, with 2 abstentions, the appropriation of \$938,400 for section 12, as recommended by the Advisory Committee.

Sections 13 and 21. Department of Public Information and Information Centres

111. At its 386th and 387th meetings, the Committee considered the estimates for the Department of Public Information (section 13) and for the Information Centres (section 21). The Advisory Committee, in its first report, had recommended that the estimate of \$2,787,400 submitted by the Secretary-General for section 13, should be reduced by \$74,000 and that of \$899,800 for section 21 by \$22,400.

112. The principal point discussed in the Fifth Committee was whether the budget for information activities was disproportionate with the total budget. Some delegations considered it was, some thought that it was not. Others, while prepared to accept the reductions recommended by the Advisory Committee, did so because they were of the opinion that those reductions, which were pertinently justified and understandable, would not affect the level of the services provided by the Department. Most delegations recognized the existing high quality of those services and paid tribute to the Secretary-General on that account; the difference in viewpoint concerned the amount of work performed and its cost, and not its quality.

113. In consequence, some delegations favoured reducing the estimates below the amount recommended by the Advisory Committee. While recognizing that governments, in following a general trend, were careful to ensure that the public demand for information on a wide range of national activities was satisfied, and that the Department was satisfying a similar demand for information regarding the United Nations, they considered that this process should not be allowed to upset the balance of the budget.

They supported the Advisory Committee's comments in paragraphs 134 and 135 of its report, which indicated that there was a lack of balance; and in further amplification of this view they cited the relative percentage of total expenditure for information purposes as compared with the percentage for other vital activities which could be readily appraised from the Information Annex II to the budget estimates (A/2383/Add.1). They recognized an undoubted need for information services at a relatively high pitch in certain areas of the world, but felt that the considerable publicity which was always likely to be given to United Nations affairs in many countries at little or no cost to the Organization should not be ignored in the framing of budget estimates for information activities.

114. On the other hand, the importance of the part played by the Department of Public Information was given particular emphasis by a number of delegations which considered that the services provided were in no sense a luxury but were vital and indispensable. They regarded these services as a valid means of achieving complementary action to the General Assembly discussions on the important issues with which the General Assembly was progressively faced. They considered it essential that the purport of the General Assembly recommendations to Member States, if they were to be effectively implemented, must reach the hearts and minds of people throughout the world. They were apprehensive regarding the effect of any reductions in the budget as regards those areas where existing information services were inadequate and, in this connexion, they expressed concern lest the activities of the information centres and the Headquarters services dealing with them should be curtailed to an extent that would hamper their efficient and adequate functioning. Moreover, they considered that even in those countries which had established national information services it had often proved advisable for the United Nations to supplement those services with impartial and objective information necessary to complete understanding of the United Nations viewpoint. They considered the current level of expenditure in no way excessive, since the expansion of United Nations activities to which the representative of the Secretary-General had drawn the Committee's attention would have to be provided for, and in any case it should not be overlooked that the information activities of the United Nations provided an important source of revenue, the estimates for which showed a commendable increase as compared with those for previous years. They were quite prepared to support the relatively small economies recommended by the Advisory Committee, since the Secretary-General had not contested a reduction.

115. The Secretary-General's proposal to establish two new information centres was not contested. The discussion in fact revealed considerable support for the proposed measure of decentralization. Some delegations, however, made reservations as to whether the present pattern of centres provided the best method of solving the information problems confronting the Secretary-General. They supported the views expressed by the Advisory Committee at the seventh session that a survey of the system as a whole and periodical reviews of its operations would be desirable, and that increases in regional expenditure should be offset by some decrease in the central establishment. The views of most delegations, as expressed during the discussion, were largely conditioned by the considerations set forth in paragraph 136 of the Advisory Committee's first report, which were recognized as having particular relevance at this time; there was a widespread feeling in the

Committee that no action should be taken which would hamper the Secretary-General in his studies on reorganization.

116. In the course of the discussion, the Committee considered two proposals for reductions beyond the amount recommended by the Advisory Committee. A United Kingdom proposal for an additional reduction of \$100,000 had the following objectives: (a) to bring to the attention of the Secretary-General the disproportion between the total budget and expenditures for information services; (b) to give prominence to the warnings of the Advisory Committee in paragraph 138 of its report regarding increases in those expenditures; and (c) to provide the Secretary-General with a clear expression of the Fifth Committee's view, namely that the Committee looked for a considerable reduction in costs for information services in any subsequent reorganization proposals but would not meanwhile, inconvenience the Secretary-General in his reorganization studies. In the light of the Committee's discussion the representative of the United Kingdom withdrew his proposal since he recognized the differences in the position of the various Member States, but he asked that his delegation's views should be fully stated to the General Assembly.

117. The representative of Poland believed that a ceiling should be fixed for public information expenditures because priorities in United Nations activities should be duly assessed and reflected in the budget, and this had not been done. He considered that the Fifth Committee should give a clear directive to guide the Advisory Committee in its future review of the information services budget. Regarding the budget estimates for 1954 particularly, he gave his delegation's views regarding the particular items which might be effectively reduced without harmful consequences and which, if approved, would go some way to eliminate the disparity in information costs. He suggested that the Committee should reduce the estimates for section 13 by an additional \$200,000 and for section 21 by an additional \$50,000, the reductions in both instances to be applied at the discretion of the Secretary-General.

118. The Committee rejected the Polish proposal regarding sections 13 and 21 by 41 votes to 5, with 5 abstentions, and 43 votes to 5 with 3 abstentions, respectively. It then approved the appropriations recommended by the Advisory Committee; that for section 13 was approved in the sum of \$2,713,400, by 46 votes to 5, with no abstentions, that for section 21 was approved in the sum of \$877,400 by 45 votes to 5, with no abstentions.

Section 14. Legal Department

119. Most delegations taking part in the discussion of the estimates for section 14, at the Committee's 382nd meeting, were prepared to endorse appropriations at the level recommended by the Advisory Committee in its first report, which allowed for a reduction of \$2,000 on the Secretary-General's estimate of \$462,300, to be applied to the temporary assistance item.

120. A further reduction of \$2,000 in the item for consultants was sought, but was not pressed in the light of a statement by the representative of the Secretary-General that the need to employ consultants in cases of emergency remained, at least for the present.

121. The advantages that could be derived by appointing a permanent legal adviser to Geneva were examined. Such an appointment, it was thought, would provide for better understanding of the problems arising

there as well as for general legal assistance to those organs which, under the fixed pattern, might hold meetings at Geneva. The representative of the Secretary-General stated that the question had been considered and dropped as there did not appear to be sufficient work to justify such a permanent assignment. He undertook, however, to review the matter afresh and to report on it to the Committee at the ninth session, adding that it would in any case be examined in the course of the Secretary-General's organizational study.

122. The representative of the USSR thought that measures should be taken to stem the constantly rising costs for this Department and to secure their gradual reduction. He detailed the number of high level posts in the Department which he considered disproportionate, and suggested that the Committee should ask the Secretary-General to re-examine his 1954 estimates for section 14. Apart from this, he proposed that the appropriation for the section should be reduced by an additional \$30,000 over and above the reduction recommended by the Advisory Committee.

123. The Committee rejected, by 42 votes to 5, with 2 abstentions, the proposal of the USSR and approved unanimously an appropriation of \$460,300 as recommended by the Advisory Committee.

Section 15. Conference and General Services

124. The estimates for section 15 were considered by the Committee at its 388th and 389th meetings. The Advisory Committee in its first report had recommended a reduction of \$90,000 in the Secretary-General's estimate of \$9,489,700 to be distributed at the discretion of the Secretary-General, with due regard to the savings likely to accrue on the reproduction of both printed and mimeographed documents.

125. It was noted that the estimates comprised about one-fifth of the total budget. They supported a purely servicing department, and although prudent administration and accurate work in initial drafting might produce much needed economy, the responsibility for the greater part of the costs lay with delegations whose requests for services largely determined the volume of expenditure. In consequence, the Fifth Committee was of the opinion that all delegations should help to effect the necessary economies by a careful review of their demands.

126. Some delegations expressed satisfaction at the steps taken in the past few years to reduce expenditures and also with the services provided by the Department. Spanish-speaking delegations emphasized their urgent need for equivalent services, and hoped for a speedy end to the delay in distribution of Spanish translations. Delegations also urged that particular attention should be paid to such matters as the use made of passenger cars. Although these matters involved individually relatively small expenditure, their proper regulation by internal administrative action not only provided scope for distinct economies, but served to safeguard the Organization from the criticism that it was extravagant.

127. The majority of the Committee was prepared, in the absence of detailed reorganization proposals for the Secretariat as a whole, to accept a reduction of \$90,000 as reasonable.

128. Some delegations considered the proposed reduction inadequate. They pointed out that an over-all reduction in posts since 1950 had not produced savings in total costs since there had been corresponding increases in expenditures on temporary posts and casual labour.

A more even distribution of the workload could lead to staff reductions, and there was insufficient evidence that the obvious advantages of a free interchange of staff within the Organization on a temporary loan basis during peak periods, or an appropriate scheduling of leave among the very large number of staff in the particular Department under review, had been suitably reflected in the estimate. They considered that suitable action on the limitation of documentation and in the pruning of non-essential tasks, as well as the already agreed rationalizing of the meetings programme, allowed for a sizeable further reduction. The delegation of the Byelorussian SSR proposed in consequence that an additional reduction of \$250,000 should be made—a total reduction of \$340,000.

129. Apart from its general approach, the Committee discussed in particular three items affecting the Department's work—documentation, arrears of backlog and contractual travel arrangements.

130. The Committee's views on documentation have been recorded above. As regards the liquidating of arrears of backlog in the Official Records, there was general agreement on two points. Firstly, that delegations should consider the question realistically and reach an understanding with the Secretariat on an order of priority for clearing them. Secondly, that everything possible should be done to avoid the accumulation of further arrears.

131. On the question of travel, a number of delegations stated that they were still to be convinced that the system of contractual arrangement was the most efficient and economical method of dealing with the travel requirements of the Organization. The Secretary-General and the Advisory Committee were requested to review the situation and to report upon it to the Fifth Committee at the next session of the General Assembly, covering the specific points which had been touched on in the discussion.

132. The Committee rejected the Byelorussian proposal by 37 votes to 5, with 2 abstentions, and approved by 39 votes to 5 with no abstentions, the appropriation of \$9,399,700 as recommended by the Advisory Committee.

Section 15a. United Nations Postal Administration

133. At its 389th meeting the Committee unanimously approved the appropriation of \$143,400 for Section 15a, which the Advisory Committee had recommended in its first report.

Section 16. Administrative and Financial Services

134. At its 390th meeting, the Committee reviewed the estimates for section 16, in respect of which the Advisory Committee in its first report had proposed a reduction of \$30,000 in the amount of \$1,620,000 submitted by the Secretary-General. The Fifth Committee generally considered that the proposed reduction could be supported and felt that the comments of the Advisory Committee in paragraph 177 of its first report should be taken into consideration by the Secretary-General in his detailed proposals for re-organization.

135. It was noted that a sum of \$65,000 included in the estimates for section 16 related to the administrative expenses of the Joint Staff Pension Fund, regarding which the Committee had reported to the General Assembly in its report under item 47 (c) of the agenda (A/2576).

136. The representative of the Ukrainian SSR proposed a further reduction of \$70,000 in the estimates. His opinion, which was supported by other delegations, was that there was no justification for the complex organization which existed in the Department and that with proper integration of the separate units among which the Department's functions were distributed, and a re-examination of the need for the existing high proportion of senior posts, the expenditures in 1954 could be reduced below the amount which the Advisory Committee had recommended.

137. The Committee rejected, by 40 votes to 5, with 1 abstention, the proposal for a further reduction by \$70,000, and approved, by 41 votes to 5, with no abstentions, the appropriation of \$1,590,000 as recommended by the Advisory Committee.

Section 17. Common Staff Costs

138. At its 391st meeting the Committee reviewed the estimates for section 17, in respect of which the Advisory Committee in its first report had proposed a reduction of \$29,400 in the total of \$4,507,400 submitted by the Secretary-General.

139. Several delegations found a progressive annual increase in expenditures for common staff costs difficult to understand and were of the opinion that the estimates as presented showed little consideration for possibilities of economy. They felt that, in view of the Advisory Committee's recommendations for reductions in a number of other budget sections and the justifiable criticism it had made in its comments on section 17, the proposed reduction was too modest.

140. While prepared to give their support to the Advisory Committee's recommendations, other delegations also expressed their concern at the level of the estimates and thought that the information text might in future provide more factual details on movements of staff since it was essential that an estimate of such a considerable amount should be as convincing as possible, even though the implementation of the staff regulations which the General Assembly had approved necessitated that expenditure.

141. The interne programmes conducted by the United Nations were considered by some delegations to be of particular value and they hoped that future budgets would provide for their continuance at a reasonable level.

142. The Committee rejected, by 37 votes to 5, with 2 abstentions, a Byelorussian proposal for an additional reduction of \$70,000, and approved, with no abstentions by 42 votes to 5 an appropriation of \$4,478,000 as recommended by the Advisory Committee.

143. At its 403rd meeting, the Committee considered a report from the Secretary-General (A/C.5/549) on the question of assistance to the United Nations International School to which the Advisory Committee had called attention in paragraph 187 of its first report. Differing views were expressed in the discussion. Some delegations supported an outright grant to the School; others were prepared to support a grant in this specific instance without prejudice to their subsequent attitude to the basic problem. Others, recalling the detailed discussion in the Fifth Committee during the seventh session, felt that for reasons of principle they could not support a subsidy but were not prepared to vote against it.

144. The Committee, by 37 votes to none, with 13 abstentions, approved a proposal of the representative of

Australia that the Secretary-General should be authorized to pay a rental subsidy to the United Nations International School in the amount of \$7,400, one-half to apply to the school year 1953-1954, and the balance to the succeeding year. It was pointed out that this decision would not affect the level of appropriation approved at the 391st meeting.

Section 18. Common Services

145. At its 389th meeting the Committee reviewed the estimates for section 18, in respect of which the Advisory Committee in its first report had proposed a reduction of \$79,000 in the estimate of \$3,879,000 submitted by the Secretary-General.

146. While it was understood that expenditures in this section could not be assessed with real accuracy until there had been longer experience of working conditions in the new building, it was considered that with careful planning and a strict interpretation of urgency expenditure on many of the items covered in the section which were capable of administrative control could be effectively reduced. Moreover, it was to be expected that the measures envisaged by the Committee for the control of documentation would, as compared with past years, lead to further substantial savings in paper costs and in reproduction supplies, and that in consequence, with the exercising by the Secretariat of a real will to economize, there should be comparatively little difficulty in holding expenditure during 1954 within the recommended provision.

147. While there was no dissent from these views nor from the comments made by the Advisory Committee in paragraphs 194 to 199 of its report some delegations considered that a reduction of \$79,000 only did not go far enough. They felt that strict adherence to the economy measures indicated by the Advisory Committee, both in its previous as well as in its current reports, should result in savings of a more substantial order.

148. A proposal by Czechoslovakia for an additional reduction of \$200,000 to be applied at the Secretary-General's discretion was rejected by 37 votes to 5, with 2 abstentions, and the Committee approved by 42 votes to 5 with no abstentions an appropriation of \$3,800,000 for section 18, as recommended by the Advisory Committee.

149. Consequent upon the Committee's recommendation for an appropriation of funds for the acquisition and operation of radio transmitters at New York and Geneva, which is recorded in paragraphs 48 and 49 above, the appropriation for section 18 was reduced by \$13,200 to a total of \$3,786,800.

Section 19. Permanent Equipment

150. The Committee reviewed the estimates for section 19 at its 389th meeting, noting that the Advisory Committee in its first report had proposed a reduction of \$20,000 in the Secretary-General's estimate of \$186,300.

151. The Committee supported the opinion of the Advisory Committee that, in view of the considerable investment made during the past three years in the purchase of office furniture and equipment, a strict policy of maximum utilization of existing resources should apply, and that as from 1954 expenditure under this heading should be held to a minimum annual level.

152. The representative of the USSR, while in full agreement with this policy, felt that a reduction of

\$20,000 only was insufficient and inconsistent with the views which the Advisory Committee had expressed in paragraphs 201 to 203 of its first report. He believed that expenditure under section 19 could be reduced by a further amount of at least \$40,000.

153. Some delegations expressed their concern at the suggestion of the Advisory Committee that there should be a progressive reduction in expenditure for the purchase of library books. They hoped that in applying such proportionate share of the total reduction proposed for section 19 to chapter II, relating to library books and equipment, the Secretary-General would reduce expenditures on new equipment rather than on books.

154. The proposal of the USSR for a further reduction of \$40,000 was rejected by 38 votes to 5, with 2 abstentions, and the Committee approved by 39 votes to 5, with 2 abstentions, an appropriation of \$166,300 for permanent equipment as recommended by the Advisory Committee.

155. Consequent upon the Committee's recommendation for an appropriation of funds for the acquisition and operation of radio transmitters at New York and Geneva, which is recorded in paragraphs 48 and 49 above, the appropriation for section 19 was increased by \$10,000 to a total of \$176,400.

Section 19a. Improvement to premises

156. At its 424th meeting, the Committee considered the request from the Secretary-General for an appropriation in 1954 of \$565,000 for the enlargement of the dining room and cafeteria and the installation of additional means of access thereto (A/C.5/557). The Committee also had before it the thirty-first report of the Advisory Committee (A/2594), giving possible alternatives to the Secretary-General's proposal, whereby the projected expenditures might either be reduced in amount or be spread over a longer period of time.

157. Most delegations recognized there was a need to improve both the seating capacity in the present facilities and the means of access to them. Some representatives, recalling the Committee's concern as expressed at its 405th meeting during the consideration of item 41 of the agenda—Headquarters of the United Nations—that more adequate amenities and facilities should be provided in the building, particularly during sessions of the General Assembly, believed that the particular question of an appropriation for the purpose envisaged should be deferred until the ninth session, so that the Committee could take its action upon a more comprehensive survey covering all needs.

158. The Secretary-General replied to a number of questions which delegations had posed concerning the alternatives put forward by the Advisory Committee. He further stated that in his opinion the particular matter before the Committee was not only a question of finance and administration, since it had implications going beyond the practical issues of which the Committee was well aware. He stated his willingness to study plans for appropriate action concerning the additional amenities and facilities in which delegations were equally interested, and to put them before the Committee in due course. Meanwhile, he considered that it would be wise to go ahead with work on the dining room and cafeteria since there were architectural reasons and other restrictions which would prevent the solution of the other problems in that part of the building in which the dining-room and cafeteria were located. He did not consider, although it was a very difficult matter upon

which to give precise judgment, that the cost of carrying out all the needed alterations would be higher if the cafeteria and dining room extension were put in hand in one year, and provision of the other amenities in a subsequent year—but he did feel that if work on the dining-room and cafeteria alone were to be spread over several years, the resulting cost for that part of the work alone might well prove to be somewhat higher than if it were completed at one time.

159. On the understanding that usual safeguards relating to construction work would be fully observed, the Committee approved the proposal as submitted by the Secretary-General and agreed, by 31 votes to 8, with 8 abstentions, to appropriate a sum of \$565,000 under section 19a in 1954.

Section 20. United Nations Office at Geneva

160. The estimates for the United Nations Office at Geneva were considered by the Committee at its 397th meeting. The Committee had before it the special report on the Geneva Office (A/2501), prepared by the Advisory Committee on Administrative and Budgetary Questions in accordance with the request made by the Fifth Committee during the seventh session of the General Assembly. It was agreed that the estimate for the Economic Commission for Europe (ECE), appearing in chapter IV of section 20, would be considered together with the estimates for ECAFE and for ECLA.

161. The Chairman of the Advisory Committee on Administrative and Budgetary Questions explained the reasons for the recommendations made by his Committee in paragraph 40 of its report (A/2501) that the four-year pattern of conferences laid down in General Assembly resolution 694 (VII) should be strictly adhered to, and in paragraphs 85 to 89 of its report that the number of Headquarters staff assigned to service Economic and Social Council meetings at Geneva should be kept to a maximum of twenty-five. He also reiterated his Committee's views, expressed in the report (paragraphs 100 to 102) that a larger provision would probably be required to maintain the Palais des Nations in a good state of repair.

162. The Director of the European Office of the United Nations offered certain comments on the reductions in the appropriation proposed in the Advisory Committee's report. He felt that, while every effort would be made to economize to the extent required, it was difficult to guarantee that all the reductions proposed could be realized in full. He hoped that the Secretary-General would be given some latitude in applying whatever were the reductions upon which the Committee ultimately decided.

163. Considerable appreciation was expressed for the valuable contribution made by the Advisory Committee in its survey of the European Office, which greatly facilitated the Committee's review of section 20 of the budget. It was the view of some delegations, however, that the Advisory Committee had taken too narrow a view of its terms of reference in limiting its study to the administrative relationships within the Office and between the Office and the Headquarters and that it had failed to study sufficiently the internal structure of the Office with a view to offering suggestions for better utilization of personnel and premises.

164. There was general agreement with the recommendations made by the Advisory Committee in its report, while several delegations expressed the view that

there should be a fuller utilization of the conference facilities available at the Geneva Office. It was decided, in accordance with a suggestion by the Belgian representative, that the Secretary-General, in his study of the re-organization of the Secretariat, should give particular attention to the sound functioning of the European Office and especially to its requirements of staff, equipment and premises to enable it to carry out the programme of conferences and to ensure that maximum use was made of existing facilities and staff, and that the Secretary-General should be authorized, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions, to proceed with urgent repairs to and maintenance of the premises of the European Office.

165. The representative of the USSR, referring to the data given in paragraph 52 of the Advisory Committee's report regarding the services provided by the European Office to specialized agencies and other bodies, pointed out that the cost of such services was considerably higher than the revenue derived therefrom. He therefore proposed that the Secretary-General should be requested to review the situation with regard to reimbursement by the specialized agencies and other bodies for services and facilities provided by the European Office, and to submit a special report thereon for consideration by the Fifth Committee at the ninth session of the General Assembly. The proposal was adopted by 34 votes to 2, with 2 abstentions.

166. The representative of the USSR indicated that the reduction of \$127,600 in section 20, proposed by the Advisory Committee, was inadequate, since even with that cut the 1954 figure would be considerably higher than in 1953, while the programme of conferences would be very much the same in both years. He proposed that the estimate should be further reduced by \$230,000 so as to bring it down to the 1952 amount. Some members expressed the view that it would not be possible to ask for a fuller utilization of the facilities at the European Office and at the same time make further reductions in the budget estimates. The Soviet proposal was rejected by 33 votes to 5, with one abstention.

167. The representative of Czechoslovakia stated that the provision for services to the Office of the High Commissioner for Refugees contained in chapters V and VI of section 20 was contrary to the Charter and to General Assembly resolutions adopted in 1946 and 1947. He proposed that the amount of \$66,000 provided for these services should be deleted from the estimate. The proposal was rejected by 33 votes to 5, with 4 abstentions.

168. The Committee then approved, by 36 votes to 5, with no abstentions, the Advisory Committee's recommendation of an appropriation of \$3,658,000 under chapters I to III and V to VII of section 20.

169. In the light of the Committee's discussion on economic and social activities, recorded in paragraphs 38 to 47 above, an appropriation of \$975,500 for chapter IV of section 20, relating to the Economic Commission for Europe, was unanimously approved at the 400th meeting.

170. Further adjustments to section 20, all recommended by the Advisory Committee, were subsequently approved as follows: a reduction of \$14,000 pursuant to paragraph 8 of the eighth report of the Advisory Committee (A/2522); additional credits of \$46,500 in respect of telecommunications facilities, pursuant to the twenty-second report of the Advisory Committee (A/2557), and of \$15,000 for the holding of the 1954

session of the International Law Commission at Geneva as recommended by the Advisory Committee in its twenty-ninth report (A/2585).

171. A total appropriation of \$4,681,000 for section 20 was confirmed at the second reading of the estimates, which included a provision of \$53,800 in respect of the Joint Secretariat of the Permanent Central Opium Board and the Narcotic Drug Supervisory Body.

Section 20a. Office of the High Commissioner for Refugees

172. The Committee, at its 396th meeting, considered the estimates for section 20a. In addition to the original budget estimates for the financial year 1954 (A/2383) of \$680,000, a supplementary estimate (A/C.5/540) amounting to \$63,000 for this section had been submitted. The Advisory Committee in its fifth report recommended (A/2501) a total appropriation of \$685,000, the reduction of \$58,000 to be apportioned by the High Commissioner between various items according to his discretion.

173. The Chairman of the Advisory Committee explained the basis on which his Committee had recommended the reduction and emphasized that in doing so it had in no way underestimated the importance of the humanitarian work accomplished by the High Commissioner. He also assured the High Commissioner that, should it prove necessary, his Committee would consider favourably any request for transfer of credits from one section to another.

174. The High Commissioner for Refugees recounted the additional tasks confronting his Office which had arisen after preparation of the original estimates. He stated that it would be difficult for him to carry out these tasks without adequate funds. The estimates had been prepared to cover the basic needs of his offices. After further examination he was prepared to reduce the estimate for travel by \$15,000 and that for branch offices by \$6,000. Apart from this he believed that the balance as he had requested it was strictly necessary and he hoped, in consequence, that the reduction would be limited to \$21,000 instead of \$58,000 as proposed by the Advisory Committee.

175. During the discussions that followed, several delegations emphasized the great importance they attached to the functions of the High Commissioner and voiced their appreciation of the way in which he and his staff carried out these functions. The same delegations, however, differed in their views as to the reasonableness of the reduction proposed by the Advisory Committee in view, on the one hand of the constantly changing situation with which the High Commissioner's Office was faced, and, on the other hand, of the need for a relationship between the total funds requested for a particular activity and the budget as a whole. The representative of China proposed that the Committee should approve the amount finally requested by the High Commissioner, viz., \$37,000 more than that recommended by the Advisory Committee.

176. The representative of Czechoslovakia expressed the view that the establishment of the office of the High Commissioner for Refugees was contrary to the Charter and in conflict with several General Assembly resolutions, and that its activities were harmful to the prestige of the United Nations. He therefore proposed that the estimate for section 20a be deleted *in toto*.

177. The Committee rejected the Czechoslovak proposal by 40 votes to 5, with 3 abstentions. The Committee also rejected the Chinese proposal by 26 votes to 12 with 8 abstentions. The Committee then approved, by 40 votes to 5 with 4 abstentions, the appropriation of \$685,000 recommended by the Advisory Committee for section 20a.

178. The Committee also considered the recommendation in paragraph 25 C (iii) of the Advisory Committee's fifth report (A/2501) which called for a review of the administrative relationship between the High Commissioner and the Secretary-General. After an exchange of views, the representative of the United Kingdom moved a draft resolution which would request the Advisory Committee, in consultation with the High Commissioner and Secretary-General, to review the matter and to make necessary recommendations to the Committee at the current session. Taking into consideration, however, the opinions expressed by several delegations and an assurance on behalf of the Secretary-General that the subject would be dealt with by the Secretary-General in his proposals for re-organization of the Secretariat, the representative of the United Kingdom withdrew his proposal.

Section 22. Economic Commission for Asia and the Far East.

Section 23. Economic Commission for Latin America

179. In the light of its discussions on the budget sections dealing with the economic and social activities of the United Nations which are recorded in paragraphs 38 to 47 of the present report, the Committee, at its 400th meeting, took the following action on the budget estimates for sections 22 and 23.

180. It accepted, by 30 votes to 17, with 2 abstentions, a proposal of France to increase the estimates for section 22 by \$10,000 above the amount recommended by the Advisory Committee and approved, by 44 votes to none, with 5 abstentions, an appropriation of \$1,123,900 to cover the secretariat costs of the Economic Commission for Asia and the Far East (ECAFE) in 1954.

181. It approved by 46 votes to 5, with no abstentions, a supplementary provision of \$60,000 in section 23 recommended by the Advisory Committee in its eighth report (A/2522). Having accepted by 31 votes to 19, with 2 abstentions, a proposal of France to increase the estimates by \$10,000 above the total amount recommended by the Advisory Committee, it approved by 48 votes to none, with 5 abstentions, an appropriation of \$958,700 to cover the Secretariat costs of the Economic Commission for Latin America (ECLA) in 1954.

Section 24. Hospitality

182. At its 390th meeting, the Committee approved unanimously the estimate of \$20,000 for section 24 as submitted by the Secretary-General and recommended by the Advisory Committee in its first report.

Section 25. Official Records. Section 26. Publications

183. The Committee's discussion of the whole question of documentation has been recorded in paragraphs 17 to 23 of the present report. The following paragraphs deal with the Committee's action at its 390th meeting on the appropriations for 1954. The Advisory Committee in its first report had recommended that the

total estimates of \$1,649,100 submitted by the Secretary-General for the two sections be cut by an amount of \$200,000.

184. The discussions in the Fifth Committee showed there was widespread support for the recommendation of the Advisory Committee which could be acted upon, in the Committee's view, without detriment to the work of the Organization. Some delegations were of the opinion that a cut of \$200,000 only did not reach the limit of reasonable possible savings. They considered that an appropriation which after the cut still stood at the level of actual expenditure in 1952, when General Assembly resolution 593 (VI) should have begun to have a marked effect, was too high and that it should be feasible to reduce further the amount proposed, especially for section 26—Publications.

185. In the light of the discussion the Committee rejected, by 35 votes to 6, with 4 abstentions, a proposal of Poland to reduce the combined estimates for the two sections by \$60,000 below the amount recommended by the Advisory Committee. It also rejected, by 36 votes to 5, with 4 abstentions, a proposal of Czechoslovakia to eliminate the provisions of \$1,950 in section 25 and \$3,000 in section 26 relating to the Office of the High Commissioner for Refugees.

186. The Committee approved, by 40 votes to 5, with no abstentions the appropriations as recommended by the Advisory Committee: \$730,800 for section 25—Official Records—and \$718,300 for section 26—Publications. This latter sum was subsequently increased by an amount of \$11,170 in respect of the Sixth Committee's proposal for the publication of documents concerning the drafting and application of the Charter (see the twenty-third report of the Advisory Committee (A/2575)), and by a further sum of \$5,500 to cover printing costs of reports arising from adoption of the draft resolution proposed by the Second Committee under item 26 (a) of the agenda. A total provision of \$734,970 for section 26 was confirmed at the second reading.

Section 30. *Transfer of the assets of the League of Nations to the United Nations*

187. At its 390th meeting, the Committee approved an appropriation of \$649,500 for section 30, to cover the fourth of fifteen equal annual instalments to be paid under the terms of paragraph I (a) of General Assembly resolution 250 (III) of 11 December 1948.

Section 31. *Amortization of the Headquarters construction loan*

188. At its 390th meeting, the Committee approved an appropriation of \$1,500,000 for section 31 to cover the fourth annual instalment in repayment of the loan of \$65,000,000 advanced by the Government of the United States of America for the construction of the United Nations Headquarters.

Section 32. *The International Court of Justice*

189. At its 403rd meeting, the Committee considered the fourth report of the Advisory Committee (A/2499) and approved unanimously an appropriation of \$621,980 for section 32 as recommended by that Committee.

MISCELLANEOUS INCOME

190. The Advisory Committee in its first report had recommended an increase of \$260,000 in the Secretary-General's estimates for miscellaneous income bringing the total up to \$6,723,200. The proposed increase included \$250,000 in respect of anticipated revenue from the guided tours and the gift shop, and \$10,000 in the item "Interest on investments".

191. When examining the estimate for miscellaneous income at its 403rd meeting, the Fifth Committee was asked to consider further increases proposed as follows:

(i) A proposal made by the representative of Czechoslovakia for an additional \$100,000 in respect of "Interest on investments"; this proposal was rejected by 37 votes to 5, with 4 abstentions;

(ii) A proposal made by the representative of the Byelorussian SSR for an additional \$150,000 in respect of "Reimbursement of staff and services furnished to specialized agencies and others"; this proposal was also rejected by 39 votes to 5, with 4 abstentions.

192. The Committee approved unanimously the amount recommended by the Advisory Committee. In the course of the discussion it was stated on behalf of the Secretary-General that a detailed study of the question of miscellaneous income would be presented to the General Assembly at its ninth session, following a request which the Board of Auditors had made.

193. As a result of actions taken during the Committee's detailed reading of the budget and their effects on miscellaneous income, the representative of the Secretary-General informed the Committee that the amount of \$6,723,200 could be further increased by \$36,800 to a total of \$6,760,000. During the second reading of the estimates, the Committee confirmed that sum for miscellaneous income for the financial year 1954.

SECOND READING OF THE 1954 BUDGET ESTIMATES

194. At its 424th meeting, on the basis of a summary of the budget situation submitted by the Secretary-General (A/C.5/572), the Committee undertook a second reading of the estimates, in the course of which it approved appropriations for each section in the amounts and by the votes specified below:

Section	Recommended appropriation Dollars (US)	Yes	No	Abstentions
1.	541,750	34	6	0
2.	No provision proposed			
3.	164,180	39	0	5
3a.	21,400		Unanimous	
3b.	72,000		Unanimous	
4.	50,000		Unanimous	
5.	2,061,000	40	5	0
5a.	566,300	41	5	0
6.	394,000		Unanimous	
6a.	479,130	43	5	0

Section	Recommended appropriation Dollars (US)	Yes	No	Abstentions
7.	758,500		Unanimous	
8.	136,900		Unanimous	
9.	386,700		Unanimous	
10.	2,263,700	44	5	0
11.	1,704,000	44	5	0
12.	938,400	44	5	0
13.	2,713,400	44	5	0
14.	460,300	44	5	0
15.	9,399,700	42	5	0
15a.	143,400	48	0	1
16.	1,590,000	44	5	0
17.	4,478,000	45	5	0
18.	3,786,800	45	5	0
19.	176,400	45	5	0
19a.	565,000	39	8	3
20. (excluding chapter III)	4,627,200	44	5	0
Chapter III	53,800	44	0	5
20a.	685,000	44	5	2
21.	877,400	43	5	1
22.	1,123,900	44	0	5
23.	958,700	45	0	5
24.	20,000		Unanimous	
25. (excluding chapter V)	718,300	44	5	0
Chapter V	12,500	44	0	5
26.	734,970	44	5	0
27.	768,500		Unanimous	
28.	479,400		Unanimous	
29.	145,000		Unanimous	
30.	649,500		Unanimous	
31.	1,500,000		Unanimous	
32.	621,980		Unanimous	
TOTAL	47,827,110	44	5	0

195. At its 426th meeting, the Committee considered draft resolutions which the Advisory Committee had recommended and in which were incorporated the additions and amendments which had been agreed to in the course of the Fifth Committee's deliberations on the 1954 estimates.

196. The draft appropriation resolution A, providing for a total budget for 1954 of \$47,827,110, gross, was approved by 45 votes to 5, with no abstentions.

197. During the consideration of draft resolution B on Unforeseen and Extraordinary Expenses, the representative of the Union of South Africa expressed the opinion that it would be improper for the Committee to anticipate a decision of the General Assembly regarding the appointment of a commission to study the racial situation in South Africa. With that point in mind, the Committee agreed to frame sub-paragraph (c) of draft resolution B accordingly. Particular sub-paragraphs of the draft resolution were approved as follows:

Sub-paragraph (b) by 41 votes to one, with 11 abstentions;

Sub-paragraph (c) by 41 votes to 2, with 11 abstentions;

Sub-paragraph (d) by 46 votes to 5, with one abstention;

Sub-paragraph (e) by 42 votes to 5, with 6 abstentions.

Draft resolution B as a whole was approved by 48 votes to 5, with one abstention.

198. Draft resolution C, relating to the Working Capital Fund, was approved by 50 votes to 5, with no abstentions.

Recommendations of the Fifth Committee

199. The Fifth Committee accordingly recommends the adoption by the General Assembly of the following draft resolutions.

Draft resolution A

BUDGET APPROPRIATIONS FOR THE FINANCIAL YEAR 1954

The General Assembly

Resolves that, for the financial year 1954:

1. Appropriations totalling \$47,827,110 are hereby voted for the following purposes:

A. UNITED NATIONS

Part I. Sessions of the General Assembly, the Councils, Commissions and Committees

Section	Dollars (US)
1. The General Assembly, Commissions and Committees	541,750
2. The Security Council, Commissions and Committees	—
3. The Economic and Social Council, Commissions and Committees	164,180
3a. Permanent Central Opium Board and Narcotic Drug Supervisory Body	21,400
3b. Regional Economic Commissions	72,000
4. The Trusteeship Council, Commissions and Committees	50,000

TOTAL, PART I

849,330

		Dollars (US)	
<i>Part II. Investigations and inquiries</i>			
<i>Section</i>			849,330
5. Investigations and inquiries	2,061,000		
5a. United Nations Field Service	566,300		
			<hr/>
	TOTAL, PART II		2,627,300
<i>Part III. Headquarters, New York</i>			
6. Executive Office of the Secretary-General	394,000		
6a. Library	479,130	873,130	
			<hr/>
7. Department of Political and Security Council Affairs	758,500		
8. Military Staff Committee secretariat	136,900		
9. Technical Assistance Administration	386,700		
10. Department of Economic Affairs	2,263,700		
11. Department of Social Affairs	1,704,000		
12. Department of Trusteeship and Information from Non-Self-Governing Territories	938,400		
13. Department of Public Information	2,713,400		
14. Legal Department	460,300		
15. Conference and General Services	9,399,700		
15a. United Nations Postal Administration	143,400		
16. Administrative and Financial Services	1,590,000		
17. Common staff costs	4,478,000		
18. Common services	3,786,800		
19. Permanent equipment	176,400		
19a. Improvements to premises	565,000	29,501,200	
			<hr/>
	TOTAL, PART III		30,374,330
<i>Part IV. European Office of the United Nations</i>			
20. European Office of the United Nations (excluding direct costs, chapter III, Joint Secretariat of the Permanent Central Opium Board and Narcotic Drug Supervisory Body)	4,627,200		
Chapter III. Joint Secretariat of the Permanent Central Opium Board and Narcotic Drug Supervisory Body	53,800	4,681,000	
			<hr/>
20a. Office of the United Nations High Commissioner for Refugees		685,000	
			<hr/>
	TOTAL, PART IV		5,366,000
<i>Part V. Information centres</i>			
21. Information centres (other than the information services, European Office of the United Nations)		877,400	
			<hr/>
	TOTAL, PART V		877,400
<i>Part VI. Regional Economic Commissions (other than the Economic Commission for Europe)</i>			
22. Economic Commission for Asia and the Far East		1,123,900	
23. Economic Commission for Latin America		958,700	
			<hr/>
	TOTAL, PART VI		2,082,600
<i>Part VII. Hospitality</i>			
24. Hospitality		20,000	
			<hr/>
	TOTAL, PART VII		20,000
<i>Part VIII. Contractual printing</i>			
25. Official Records (excluding chapter V, Permanent Central Opium Board and Narcotic Drug Supervisory Body)	718,300		
Chapter V. Permanent Central Opium Board and Narcotic Drug Supervisory Body	12,500	730,800	
			<hr/>
26. Publications		734,970	
			<hr/>
	TOTAL, PART VIII		1,465,770
<i>Part IX. Technical Programmes</i>			
27. Social Activities		768,500	
28. Economic Development		479,400	
29. Public Administration		145,000	
			<hr/>
	TOTAL PART IX		1,392,900
<i>Part X. Special expenses</i>			
30. Transfer of the assets of the League of Nations to the United Nations		649,500	
31. Amortization of the Headquarters construction loan		1,500,000	
			<hr/>
	TOTAL, PART X		2,149,500
B. THE INTERNATIONAL COURT OF JUSTICE			
<i>Part XI. The International Court of Justice</i>			
32. The International Court of Justice		621,980	
			<hr/>
	TOTAL, PART XI		621,980
	GRAND TOTAL		47,827,110

2. The appropriations voted by paragraph 1 above shall be financed by contributions from Members after adjustment as provided by the financial regulations, subject to the provision of paragraph 1 of the resolution relating to the Working Capital Fund. For this purpose, miscellaneous income for the financial year 1954 is estimated at \$US 6,760,000.

3. The Secretary-General is authorized:

(i) To administer as a unit the following appropriations:

(a) Provisions under section 3a; section 20, chapter III; and section 25, chapter V;

(b) Provisions under section 13; section 20, chapter II; section 21 and in respect of section 26 for items relating to public information;

(ii) With the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, to transfer credits between sections of the budget.

4. In addition to the appropriations voted by paragraph 1 above, an amount of \$13,000 is hereby appropriated for the purchase of books, periodicals, maps and library equipment, from the income of the Library Endowment Fund, in accordance with the objects and provisions of the endowment.

Draft resolution B

UNFORESEEN AND EXTRAORDINARY EXPENSES FOR THE FINANCIAL YEAR 1954

The General Assembly

Resolves that, for the financial year 1954,

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 \$2,000,000 if the Secretary-General certifies that they relate to the maintenance of peace and security or to urgent economic rehabilitation;

(b) Such commitments not exceeding a total of \$50,000 as are required for the United Nations Good Offices Commission on the treatment of people of Indian origin in the Union of South Africa;

(c) Such commitments not exceeding a total of \$50,000 as may be required for the United Nations Commission on the Racial Situation in the Union of South Africa;

(d) Such additional commitments as are required for the *Ad Hoc* Commission on Prisoners of War;

(e) Such commitments not exceeding a total of \$184,000 as are required for the purchase of Korean service medals and ribbons;

(f) Such commitments, duly certified by the President of the International Court of Justice, relating to expenses occasioned:

(i) By the designation of *ad hoc* judges (Statute, Article 31),

(ii) By the appointment of assessors (Statute, Article 30), or by the calling of witnesses and the appointment of experts (Statute, Article 50),

(iii) By the holding of sessions of the Court away from The Hague (Statute, Article 22), and not exceeding \$24,000, \$25,000 and \$75,000 respectively, under each of the above three headings;

The Secretary-General shall report to the Advisory Committee and to the General Assembly, at its next regular 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.

Draft resolution C

WORKING CAPITAL FUND

The General Assembly

Resolves that:

1. The Working Capital Fund shall be maintained to 31 December 1954 at the amount of \$21,500,000, to be derived:

(a) As to \$20,000,000 from cash advances by Members in accordance with the provisions of paragraphs 2 and 3 of the present resolution;

(b) As to \$1,500,000 by previous transfer from surplus account as follows:

(i) \$1,239,203 being the balance of surplus account as at 31 December 1950 not already applied against Members' assessments for 1951, in accordance with General Assembly resolution 585 A (VI) of 21 December 1951;

(ii) \$260,797 as part of the balance of surplus account as at 31 December 1951 not already applied against Members' assessments for 1952, in accordance with General Assembly resolution 676 (VII) of 21 December 1952;

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 ninth annual budget;

3. There shall be set off against this new allocation of advances the amounts paid by Members to the Working Capital Fund for the financial year 1953, under paragraph 2 of General Assembly resolution 674 (VII) of 21 December 1952, provided that, should the advance paid by any Member to the Working Capital Fund for the financial year 1953 exceed the amount of that Member's advance under the provision of paragraph 2 hereof, the excess shall be set off against the amount of contributions payable by that Member in respect of the ninth annual budget, 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 the resolution 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 purposes, do not exceed \$125,000 to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities. Advances in excess of the total of \$125,000 may be made with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General shall

submit, with the annual accounts, an explanation of the outstanding balance of the revolving fund at the end of each year;

(d) Loans to specialized agencies and preparatory commissions of agencies to be established by inter-governmental agreement under the auspices of the United Nations to finance their work, pending receipt by the agencies concerned of sufficient contributions under their own budgets. In making such loans, which shall normally be repayable within two years, the Secretary-General shall have regard to the proposed financial resources of the agency concerned, and shall obtain the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for any cash issues which would increase the aggregate balance outstanding (including amounts previously advanced and outstanding) at any one time to an amount in excess of \$3,000,000 and for any issue which would increase the balance outstanding (including amounts previously advanced and outstanding) in respect of any one agency to an amount in excess of \$1,000,000, provided that, notwithstanding the above provisions, the Interim Commission of the International Trade Organization shall be authorized to postpone until 31 December 1954 repayment of the outstanding balance of the loans made to the Interim Commission;

(e) Such sums not exceeding \$45,000 as may be required to finance payments of advance insurance premiums where the period of insurance extends beyond the end of the financial year in which payment is made. This amount may be increased with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General shall make provision in the budget estimates of each year during the life of the related policies, to cover the charges applicable to each such year.

Draft resolution D

CONTROL AND LIMITATION OF DOCUMENTATION

The General Assembly,

Recalling its resolution 593 (VI) of 4 February 1952, on the control and limitation of documentation,

Noting the observations and suggestions of the Advisory Committee on Administrative and Budgetary Questions in its first report to the eighth session of the General Assembly (A/2403), and the action taken by the Secretary-General, *inter alia* by his instruction of 20 August 1953, to ensure a more effective control of documentation,

Noting further the steps initiated by the Economic and Social Council, in its resolution 497 D (XVI) of

29 July 1953, to reduce the number and volume of certain categories of documents required by it,

Considering that this reduction can be carried out in full only with the co-operation of Member States,

Expressing the wish that Member States should co-operate in giving effect to the present resolution,

1. *Invites* the Economic and Social Council to pursue and intensify efforts to reduce further the documentation required by it, and also by its functional and regional commissions;

2. *Invites* all organs of the United Nations likewise to scrutinize their existing documentation and effect such reduction therein as may be feasible and to co-operate with the Secretary-General in his efforts to reduce the volume and at the same time to improve the quality of the documentation of the United Nations.

Draft resolution E

PROGRAMME OF CONFERENCES AT HEADQUARTERS AND GENEVA

The General Assembly,

Having noted the recommendations of the Administrative Committee on Co-ordination in its thirteenth report to the Economic and Social Council (E/2446, paragraph 88) to the effect that the regular four-year pattern of conferences approved by the General Assembly at its seventh session (resolution 694 (VII) of 20 December 1952) can only fulfil its purpose if it is strictly adhered to by all the organs concerned,

Noting also the opinion of the Advisory Committee on Administrative and Budgetary Questions in its fifth report to the eighth session of the General Assembly (A/2501, paragraph 37) to the effect that the Committee regards the programme as firmly fixed for the period 1954 to 1957 and that any variations will presumably be authorized only by a special decision of the General Assembly,

1. *Endorses* the opinion of the Advisory Committee on Administrative and Budgetary Questions;

2. *Reaffirms* its recommendation that all organs of the United Nations arrange their meetings in accordance with the dates and places set forth in the pattern presented by the Secretary-General and that the specialized agencies concerned be invited to give due consideration to this pattern in drawing up their own programmes of meetings.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted the draft resolutions A, B, C, D and E, submitted by the Fifth Committee (see pp. 77 to 80 of this fascicule). For the final texts see resolutions 786 (VIII), 787 (VIII), 788 (VIII), 789 (VIII) and 790 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/1312	Advisory Committee on Administrative and Budgetary Questions : second report of 1950 to the General Assembly		Official Records of the General Assembly, Fifth Session, Supplement No. 7
A/1313	Advisory Committee on Administrative and Budgetary Questions : first report of 1950 to the General Assembly		Ibid., Fifth Session, Supplement No. 7a
A/1734	Report of the Fifth Committee		Ibid., Fifth Session, Annexes, agenda item 39
A/1853	Advisory Committee on Administrative and Budgetary Questions : second report of 1951 to the General Assembly		Ibid., Sixth Session, Supplement No. 7
A/2214	Explanatory memorandum by the Secretary-General		Ibid., Seventh Session, Annexes, agenda item 69
A/2244	Seventh report of the Advisory Committee on Administrative and Budgetary Questions to the seventh session of the General Assembly: passenger cars of the United Nations (revised estimates for appropriation, sections 15, 18, 19)		Ibid., Seventh Session, Annexes, agenda item 42
A/2273	Twenty-first report of the Advisory Committee on Administrative and Budgetary Questions to the seventh session of the General Assembly: increase in the amount of the Working Capital Fund		Ibid., Seventh Session, Annexes, agenda item 42
A/2323	Report of the Special Committee on Programme of Conferences		Ibid., Seventh Session, Annexes, agenda item 26
A/2352	Report of the Fifth Committee		Ibid., Seventh Session, Annexes, agenda item 42
A/2383	Budget estimates for the financial year 1954 and information annex		Ibid., Eighth Session, Supplement No. 5
A/2383/Add.1	Information annex II to budget estimates for the financial year 1954		Ibid., Eighth Session, Supplement No. 5A
A/2402	Report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly		Ibid., Eighth Session, Annexes, agenda item 54
A/2403	Advisory Committee on Administrative and Budgetary Questions : first report to the eighth session of the General Assembly		Ibid., Eighth Session, Supplement No. 7
A/2456	Report of the International Law Commission covering the work of its fifth session, 1 June-14 August 1953		Ibid., Eighth Session, Supplement No. 9
A/2461	Report of the Committee on Contributions		Ibid., Eighth Session, Supplement No. 10
A/2499	Fourth report of the Advisory Committee on Administrative and Budgetary Questions: section 32: The International Court of Justice	28	
A/2501	Fifth report of the Advisory Committee on Administrative and Budgetary Questions: section 20: European Office of the United Nations Section 20a: Office of the High Commissioner for Refugees	29	
A/2509	Report of the Secretary-General		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 68
A/2510	Sixth report of the Advisory Committee on Administrative and Budgetary Questions: financial implications of the draft resolution submitted by the Third Committee (A/2494)		Ibid., Eighth Session, Annexes, agenda item 62
A/2511	Seventh report of the Advisory Committee on Administrative and Budgetary Questions: financial implications of the draft resolution submitted by the Third Committee (A/2495)		Ibid., Eighth Session, Annexes, agenda item 63
A/2522 and Corr.1	Eighth report of the Advisory Committee on Administrative and Budgetary Questions: revised estimates for sections 3, 10, 11, 20 and 23	49	
A/2525	Financial implications of the draft resolutions submitted by the Third Committee (A/2494 and A/2495): report of the Fifth Committee		Official Records of the General Assembly, Eighth Session Annexes, agenda items 62 and 63
A/2534	Report of the Secretary-General		Ibid., Eighth Session, Annexes, agenda item 38
A/2547	Financial implications of the draft resolution submitted by the Ad Hoc Political Committee (A/2532): report of the Fifth Committee		Ibid., Eighth Session, Annexes, agenda item 20
A/2549	Sixteenth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: Advisory Council for the Territory of Somaliland under Italian administration	52	
A/2550	Seventeenth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Tribunal for Eritrea	53	

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A/2551	Eighteenth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Tribunal in Libya	53	
A/2552	Nineteenth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: repatriation of Greek children	54	
A/2554	Organization of the Secretariat: report of the Secretary-General		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 48
A/2557	Twenty-second report of the Advisory Committee on Administrative and Budgetary Questions: proposal to acquire and operate radio transmitters at the United Nations Headquarters and at Geneva	54	
A/2571	Report of the Fifth Committee		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 68
A/2575	Twenty-third report of the Advisory Committee on Administrative and Budgetary Questions: financial implications of the draft resolution submitted by the Sixth Committee (A/2559)		Ibid., Eighth Session, Annexes, agenda items 58, 70, 72
A/2576	Report of the Fifth Committee		Ibid., Eighth Session, Annexes, agenda item 47
A/2578	Financial implications of the draft resolution submitted by the Sixth Committee (A/2559): report of the Fifth Committee		Ibid., Eighth Session, Annexes, agenda items 58, 70, 72
A/2583	Twenty-seventh report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: Korean service medals	55	
A/2584	Twenty-eighth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: Military Observer Group in India and Pakistan ...	55	
A/2585	Twenty-ninth report of the Advisory Committee on Administrative and Budgetary Questions: revised estimates concerning sections 1 and 20: International Law Commission	56	
A/2587	Thirtieth report of the Advisory Committee on Administrative and Budgetary Questions to the Eighth Session of the General Assembly: financial implications of draft resolution II proposed by the Second Committee (A/C.2/L.217)		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 26
A/2594	Thirty-first report of the Advisory Committee on Administrative and Budgetary Questions: estimates for section 19a: improvements to premises	56	
A/2595	Thirty-second report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Conciliation Commission for Palestine	57	
A/2596	Thirty-third report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Truce Supervision Organization for Palestine	58	
A/2597	Thirty-fourth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Military Observers in Greece	58	
A/2598	Thirty-fifth report of the Advisory Committee on Administrative and Budgetary Questions: detailed estimates for section 5: United Nations Commission for the Unification and Rehabilitation of Korea	59	
A/2602	Financial implications of draft resolution B proposed by the Second Committee (A/2590): report of the Fifth Committee		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 26
A/2609	Financial implications of the draft resolution submitted by the Third Committee (A/2604): report of the Fifth Committee		Mimeographed document only
A/2622	Report of the Fifth Committee	59	
A/AC.69/SR.9	Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly, Summary record of the 9th meeting		Mimeographed document only
A/C.5/524	United Nations International School: report of the Secretary-General		Official Records of the General Assembly, Seventh Session, Annexes, agenda item 42
A/C.5/524/Add.1	Addendum to the report of the Secretary-General		Ibid.
A/C.5/540	Revised estimates for section 20a: Office of the High Commissioner for Refugees	2	
A/C.5/542	Revised estimates for sections 3, 10, 11, 20 and 23	5	
A/C.5/544/Rev.1	Statement by the Secretary-General at the 379th meeting of the Fifth Committee on 30 September 1953	8	

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A/C.5/545	Statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions at the 379th meeting of the Fifth Committee on 30 September 1953	27	
A/C.5/547	Statement of 1953 budget expenses to 30 September 1953: report of the Secretary-General		Mimeographed document only
A/C.5/548	Statement of advances to the Working Capital Fund and contributions to the budgets for the financial years 1951, 1952 and 1953, as at 15 October 1953: report by the Secretary-General		Ditto
A/C.5/549	Grant to the United Nations International School: report of the Secretary-General	11	
A/C.5/550	Detailed estimates for section 5: Advisory Council for the Trust Territory of Somaliland under Italian administration ..	13	
A/C.5/551	Detailed estimates for section 5: United Nations Tribunal for Eritrea	14	
A/C.5/552	Detailed estimates for section 5: United Nations Tribunal in Libya	14	
A/C.5/553	Detailed estimates for section 5: repatriation of Greek children	15	
A/C.5/554	Financial implications of the draft resolution adopted by the Ad Hoc Political Committee (A/AC.72/L.11): estimate submitted by the Secretary-General		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 20
A/C.5/555	Revised estimates for sections 1 and 20: International Law Commission	15	
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A/C.5/557	Estimates for section 19a: improvements to premises	17	
A/C.5/558	Detailed estimates for section 5: Military Observer Group in India and Pakistan	19	
A/C.5/559	Proposal to acquire and operate radio transmitters at the United Nations Headquarters and at Geneva: report by the Secretary-General	20	
A/C.5/560	Financial implications of the draft resolution adopted by the Sixth Committee (A/C.6/L.313): estimate submitted by the Secretary-General		Official Records of the General Assembly, Eighth Session, Annexes, agenda items 58, 70, 72
A/C.5/562	Increase in the amount of the Working Capital Fund: note by the Secretary-General	21	
A/C.5/565	Revised estimates for section 5: proposal to purchase a compound for use by the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration ..	23	
A/C.5/568	Detailed estimates for section 5: United Nations Conciliation Commission for Palestine	23	
A/C.5/569	Detailed estimates for section 5: United Nations Truce Supervision Organization for Palestine	24	
A/C.5/570	Detailed estimates for section 5: United Nations Military Observers in Greece	25	
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A/C.5/572	Summary of the budget situation: report of the Secretary-General		Mimeographed document only
A/C.5/575	Financial implications of the draft resolution adopted by the Third Committee (A/C.3/L.397/Rev.1): estimate submitted by the Secretary-General		Ditto
A/C.5/L.113 and Corr.1	Egypt: revised text of draft resolution A/C.5/L.110		Official Records of the General Assembly, Sixth Session, Annexes, agenda item 41, document A/2022, paragraph 15
A/C.5/L.172	Report of Sub-Committee 8 of the Fifth Committee on Public Information		Ibid., Sixth Session, Annexes, agenda item 41
A/C.5/L.234	Staff of the United Nations Secretariat: report of the Secretary-General		Mimeographed document only
A/C.5/L.236	Draft report of the Fifth Committee		Same as A/2491: see Official Records of the General Assembly, Eighth Session, Annexes, agenda item 44
A/C.5/L.237	Draft report of the Fifth Committee		Same as A/2492; see Official Records of the General Assembly, Eighth Session, Annexes, agenda item 37
A/C.5/L.238	Draft report of the Fifth Committee		Same as A/2493; see Official Records of the General Assembly, Eighth Session, Annexes, agenda item 44
A/C.5/L.239	United States of America: draft proposal		A/2622, paragraphs 94 to 96

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A/C.5/L.246	United Kingdom of Great Britain and Northern Ireland: draft resolution		A/2622, paragraph 199, draft resolution E
A/C.5/L.252	United Kingdom of Great Britain and Northern Ireland: draft resolution		For the text of this resolution as amended at the 404th meeting, see A/2622, paragraph 199, draft resolution D.
A/C.5/L.264	Draft report of the Fifth Committee		For the final text see A/2622
A/C.5/L.268	France: amendment to draft resolution C contained in the draft report of the Fifth Committee (A/C.5/L.264)		Mimeographed document only
A/C.5/L.268/Rev.1	France: revised amendment to draft resolution B contained in the draft report of the Fifth Committee (A/C.5/L.264)	27	
A/CN.7/SC.1/2	Balkan Sub-Commission: resolution adopted by the Sub-Commission at its 1st meeting, 31 January 1952		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 51
A/CN.7/SC.1/52	Balkan Sub-Commission: letter dated 26 November 1953 from the Permanent Representative of Greece addressed to the Secretary-General		Ditto
A/RESOLUTION/195	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 786 (VIII)
A/RESOLUTION/196	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., resolution 787 (VIII)
A/RESOLUTION/197	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., resolution 788 (VIII)
A/RESOLUTION/198	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., resolution 789 (VIII)
A/RESOLUTION/199	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., resolution 790 (VIII)
E/2448 and Corr.1 and 2 and Add.1	Note by the Secretary-General on estimated cost of Economic and Social Council activities		Mimeographed document only
E/2512	Fifteenth report of the Advisory Committee on Coordination		Ditto
E/CN.5/291/Rev.1	Report of the Secretary-General		Official Records of the Economic and Social Council, Sixteenth Session, Annexes, agenda item 10
S/1469	Resolution concerning the India-Pakistan question adopted by the Security Council at its 470th meeting on 14 March 1950		Official Records of the Security Council, Fifth year, Supplement for the period 1 January-31 May 1950
S/2157	Resolution concerning the Palestine question adopted at the 547th meeting of the Security Council on 18 May 1951		Ibid., Sixth year, Supplement for the period 1 April-30 June 1951
S/2333	Resolution concerning the India-Pakistan question adopted at the 611th meeting of the Security Council on 23 December 1952		Ibid., Seventh year, Supplement for the period October, November and December 1952
S/3139/Rev.2	Resolution concerning the Palestine question adopted at the 642nd meeting of the Security Council on 24 November 1953		Ibid., Eighth year, Supplement for the period October, November and December 1953



Agenda item 40: 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

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DOCUMENT A/2417

Note by the Secretary-General

[Original text: English]
[20 July 1953]

1. The rules of procedure of the General Assembly provide that:

"Rule 154

"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 155

"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 case of vacancies, at the next session."

2. The present membership of the Committee is as follows:

Mr. Thanassis Aghnides (Greece);
Mr. Rafik Asha (Syria);

Dr. Carlos Blanco (Cuba);
Mr. Eduardo Carrizosa (Colombia);
Mr. Igor V. Chechetkin (Union of Soviet Socialist Republics);
Mr. A. H. Clough (United Kingdom of Great Britain and Northern Ireland);
Mr. André Ganem (France);
Mr. William O. Hall (United States of America);
Mr. Braj Kumar Nehru (India).

3. At its fifth session, the General Assembly [resolution 463 (V)] appointed the following to be members of the Committee for a three-year term, commencing on 1 January 1951:

Mr. Rafik Asha;
Mr. André Ganem;
Mr. Braj Kumar Nehru.

4. Since the terms of office of the above members are due to expire on 31 December 1953, it will be necessary for the General Assembly, at its eighth session in 1953, to appoint three persons to fill the resulting vacancies. The members so appointed will serve for a period of three years, commencing 1 January 1954.

5. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the Assembly a draft resolution containing the names of the persons recommended for appointment. With a view to expediting the business of the General Assembly, it is suggested that a similar procedure should be followed at the eighth session.

DOCUMENT A/C.5/L.240 and Corr.1

Note by the Secretariat

[Original text: English]
[7 October 1953]

The following persons have been proposed for appointment to the Advisory Committee on Administrative and Budgetary Questions in whose membership three vacancies will occur as from 1 January 1954, consequent on the expiration of the terms of appointment of Mr. Rafik Asha (Syria), Mr. André Ganem (France) and Mr. Braj Kumar Nehru (India) (A/2417):

Mr. Rafik Asha (Syria)

Born Damascus 1910; graduated American University, Beirut, 1928; M.B.A., New York City University, 1931; served as bank official for four years and as a finance analyst and reporter for one year; professor of Banking Economics and Accounting in Baghdad, 1932-1941; Deputy Director-General of Supplies, Ministry of Supplies, Damascus 1941-1944; organized and managed the Arab Bank Ltd. in Beirut 1944; Chargé d'Affaires, Legation of Syria, Cairo, 1944-1945; Acting Consul General in New York 1945-1947; Consul General 1947-1952; Second Vice-President of Society of Foreign Consuls in New York 1949-1950; re-elected Vice-President of Society of Foreign Consuls in New York 1951; First Counsellor, Legation of Syria, Washington, D.C., 1952; Envoy Extraordinary and Minister Plenipotentiary, June 1952; Chargé d'Affaires of permanent delegation of Syria to United Nations, 1953; permanent representative to United Nations 1953; Vice

Chairman, Syrian delegation to the second part of the Seventh Session, February 1953. Delegate to eight regular sessions of the General Assembly and the two special sessions in 1947 and 1948. Alternate representative to the Security Council 1947-1948. Chairman of the Committee of Experts and the Committee on Admission of New Members June 1947 and August 1948. Elected member of Committee on Contributions in 1947 for a term of three years, January 1947 to December 1950. Elected in 1950 member of the Advisory Committee on Administrative and Budgetary Questions for a term of three years, 1951 to 1953. Elected November 1951 rapporteur of the Fifth Committee of the General Assembly and of the Joint Second, Third and Fifth Committee during the Sixth Session. Alternate Governor to the International Bank for Reconstruction and Development 1952.

Mr. André Ganem (France)

Educated University of Paris; formerly professor at several schools and universities in France, Sweden and Denmark; chief of foreign affairs department of newspapers *Le Quotidien* and *Le Temps*; 1927-1929 correspondent in Berlin; 1929-1930 correspondent at Hague Conference; 1931-1940 member of League of Nations Secretariat; member of French delegation to the San

Francisco Conference (1945) and to all sessions of the General Assembly since 1946; member of the Advisory Committee on Administrative and Budgetary Questions since 1946.

Mr. G. R. Kamat (India)

Born 26.12.1908. At present Joint Secretary to Ministry of Finance, Government of India, New Delhi; joined Indian Civil Service 1931 in province of Assam; six years in Assam, first in district administration and later as Under-Secretary to Government of Assam; joined Finance/Commerce Cadre of Government of India; various positions since 1937 in Ministries of Finance and Commerce, both in executive capacity and Secretariat; 1938-1947 general experience of expenditure control; 1947 joined Ministry of Commerce as Chief Controller of Imports. Since 1949, as Joint Secretary in Ministry of Finance (Economic Affairs Department), in charge external finance, including balance of payments, exchange control, relations with International Monetary Fund, and International Bank for Reconstruction and Development. Shortly to assume charge as India's Executive Director on IBRD; January 1954 Minister (Economic) Indian Embassy, Washington.

Mr. Yu-Wan Liu (China)

Age 56 years, born I-Chang, China; A.B., Oberlin College 1921, M.A., University of Wisconsin, 1922; Execut-

ive Secretary, China Institute of Pacific Relations 1930-1937; Deputy-Director, Department of Personnel, Ministry of Railways, 1937-1939; Hon. Executive Secretary, China Institute of Pacific Relations 1939-1945; adviser, Chinese Mission to Observe Outer Mongolian Plebiscite 1945; Deputy Secretary-General, Allied Council for Japan, 1946; Consul-General, Seoul, Korea, 1947-1948; Diplomatic Representative to the Republic of Korea, with rank of ambassador, 1948-1950; representative of China and rapporteur on United Nations Commission on Korea 1948-1950; Deputy-Chief, Chinese Mission to Japan, with rank of ambassador, 1950-1951; adviser, permanent delegation of China to the United Nations, 1951-1953 (Director of Office since February 1953); Secretary-General of Chinese delegation to eighth session of General Assembly.

Dr. Hamdi Ozgurel (Turkey)

Age 45 years; M.S. Istanbul, Ph.D. Economics and Finance, Paris; 1934-1948, following positions in Ministry of Finance, Inspector of Revenues, Assistant-Director of Budget Department, Director of Foreign Exchanges, member of Committee on Financial Studies; 1948 adviser to Turkish permanent delegation to the United Nations; 1950 Director, International Economic Co-operation Administration, Ministry of Foreign Affairs; 1953 member Turkish permanent delegation to United Nations; author of *Discriminations des revenus au point de vue fiscal* published in France in 1939.

DOCUMENT A/2537

Report of the Fifth Committee

[Original text: English]
[2 November 1953]

1. At its 392nd meeting held on 19 October 1953, the Fifth Committee considered a note by the Secretary-General (A/2417) concerning the vacancies which will occur in the membership of the Advisory Committee on Administrative and Budgetary Questions at the expiration of the term of office of three of its members on 31 December 1953.

2. The Chairman had previously invited members of the Fifth Committee to suggest names of persons who might be recommended to the General Assembly for appointment to membership of the Advisory Committee in accordance with the provisions of rules 154 and 155 of the rules of procedure of the General Assembly. At the time when the matter was considered by the Fifth Committee, five candidates had been proposed.

3. For the purpose of deciding who should be recommended for appointment, the Committee proceeded to a vote by secret ballot in accordance with the rules of procedure of the General Assembly relating to elections. The result of the ballot was as follows:

Number of ballot papers :	53
Abstentions :	0
Invalid ballots :	0
Number of valid ballots :	53
Required majority :	27
Number of votes obtained :	
Mr. Rafik Asha	49
Mr. André Ganem	37

Mr. G. R. Kamat	27
Mr. Yu-Wan Liu	25
Mr. H. Ozgurel	5

4. Mr. Asha, Mr. Ganem and Mr. Kamat, having obtained the required majority, were 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:

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

The General Assembly

1. Appoints the following persons as members of the Advisory Committee on Administrative and Budgetary Questions:

- Mr. Rafik Asha ;
- Mr. André Ganem ;
- Mr. G. R. Kamat ;

2. Declares Mr. Asha, Mr. Ganem and Mr. Kamat to be appointed for a three-year term to commence on 1 January 1954.

DOCUMENT A/2418

Note by the Secretary-General

[Original text: English]
[20 July 1953]

1. The rules of procedure of the General Assembly provide that:

"Rule 158

"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. S. M. Burke (Pakistan);
Mr. René Charron (France);
Mr. A. H. Clough (United Kingdom of Great Britain and Northern Ireland);
Mr. Arthur Samuel Lall (India);
Mr. Adolfo Nass (Venezuela);
Mr. Jiri Nostk (Czechoslovakia);
Mr. Stuart Arthur Rice (United States of America);
Mr. José Saenz (Mexico);

Mr. G. F. Saksin (Union of Soviet Socialist Republics);
Miss Maria Z. N. Witteveen (Netherlands).

3. The following three members of the Committee on Contributions were appointed by the General Assembly at its fifth session [resolution 464 (V)] for a three-year term commencing 1 January 1951:

Sir Sydney Caine,
Mr. Adolfo Nass,
Miss Maria Z. N. Witteveen.

Following the resignation of Sir Sydney Caine, the General Assembly, at its seventh session [resolution 667 B (VII)], appointed Mr. A. H. Clough (United Kingdom of Great Britain and Northern Ireland) for the unexpired portion of the former's term of office.

4. Since the terms of office of Mr. A. H. Clough, Mr. Adolfo Nass, and Miss Maria Z. N. Witteveen are due to expire on 31 December 1953, it will be necessary for the General Assembly, at its eighth session, in 1953, to appoint three persons to fill the resulting vacancies. The members thus appointed will serve for a period of three years, commencing 1 January 1954.

5. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the Assembly a draft resolution containing the names of the persons recommended for appointment. With a view to expediting the business of the General Assembly, it is suggested that a similar procedure should be followed at the eighth session.

DOCUMENT A/C.5/L.241

Note by the Secretariat

[Original text: English]
[7 October 1953]

The following persons have been proposed for appointment to the Committee on Contributions in whose membership three vacancies will occur as from 1 January 1954, consequent on the expiration of the terms of appointment of Mr. A. H. Clough (United Kingdom), Mr. Adolfo Nass (Venezuela) and Miss Maria Z. N. Witteveen (Netherlands) (A/2418):

Mr. Klass Erik Book (Sweden)

Born 1909; M.A. 1936; Entered service of the National Bank of Sweden 1936; 1940 Chief of Section in National Bank of Sweden; Assistant Director of Swedish Foreign Exchange Office; 1944, Deputy Director of the National Bank of Sweden; 1945, Member of Swedish Foreign Capital Control Office; 1947-1948 Head of Commercial Division of Swedish Ministry for Foreign Affairs; 1948, Managing Director of National Bank of Sweden; 1949, Member of Board of the Bank for International Settlements in Basel; 1951, Minister for Sweden in Ottawa.

Mr. A. H. Clough (United Kingdom)

Inland Revenue: Tax Inspectorate, 1914-1915; War Office (Finance Divisions 1916-1938; served in Royal Flying Corps and Royal Air Force, 1917-1920; H. M. Treasury, 1938 to date; Head of Defence Personnel Division, H.M. Treasury, 1946-1950; Head of Treasury

division responsible for United Kingdom diplomatic expenditure overseas, 1950-1951; since 1951, Under-Secretary for Establishments, H.M. Treasury; member of the National Whitley Council for the Civil Service; 1953, member of the Advisory Committee on Administrative and Budgetary Questions; 1953, member of Committee on Contributions.

Mr. Kan Lee (China)

Age 52 years, born Wusih, China; A.B., University of Missouri, 1922, Ph. D., Harvard University, 1927; member of Chinese Tariff Commission, 1927-1939; Commercial Counsellor of Chinese Embassy, Washington, 1941-1945; Vice-Chairman of Chinese Export-Import Board, 1946-1947; member of Chinese Technical Mission, Washington, 1948-1953; Executive Director, International Bank for Reconstruction and Development, Washington, 1953; member of Committee on Contributions of the United Nations, 1949-1952.

Mr. Ottolmy Strauch (Brazil)

M.A., National Faculty of Law, University of Brazil; School of Social Sciences and Public Affairs, American University; member, Brazilian Bar Association; alternate representative of Brazil to sixth and seventh sessions of the United Nations General Assembly and Brazilian

representative in Fifth Committee ; Assistant (Economics and Administration), Office of President of Brazil ; Assistant to President of Brazilian Bank for Economic Development ; Assistant (Political and Administrative Affairs) to Minister of Justice and Interior, 1948-1950 ; Professor of Personnel Administration, School of Public Administration of Brazilian Federal Government, 1953 ; Deputy

Director of Division, Administrative Department of Public Service, (D.A.S.P.) 1943-1945 ; lecturer and adviser on Public Relations and International Affairs in Air Command and General Staff School of Brazilian Air Force, 1947 ; member of various governmental committees dealing with administrative problems and examiner in several boards of selection of federal government personnel.

DOCUMENT A/2538

Report of the Fifth Committee

[Original text : English]
[2 November 1953]

1. At its 392nd meeting held on 19 October 1953, the Fifth Committee considered a note by the Secretary-General (A/2418) concerning the vacancies which will occur in the membership of the Committee on Contributions at the expiration of the term of office of three of its members on 31 December 1953.

2. The Chairman had previously invited members of the Fifth Committee to suggest names of persons who might be recommended to the General Assembly for appointment to membership of the Committee on Contributions in accordance with the provisions of rules 157 and 158 of the rules of procedure of the General Assembly. At the time when the matter was considered by the Fifth Committee, four candidates had been proposed.

3. For the purpose of deciding who should be recommended for appointment, the Committee proceeded to a vote by secret ballot in accordance with the rules of procedure of the General Assembly relating to elections. The result of the ballot was as follows :

Number of ballot papers :	54
Abstentions :	0
Invalid ballots :	0
Number of valid ballots :	54
Required majority :	28
Number of votes obtained :	
Mr. O. Strauch	50
Mr. A. H. Clough	40

Mr. K. E. Book	37
Mr. Kan Lee	26

4. Mr. Strauch, Mr. Clough and Mr. Book, having obtained the required majority, were 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 :

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE ON CONTRIBUTIONS

The General Assembly

1. Appoints the following persons as members of the Committee on Contributions :

- Mr. O. Strauch ;
- Mr. A. H. Clough ;
- Mr. K. E. Book ;

2. Declares Mr. Strauch, Mr. Clough and Mr. Book to be appointed for a three-year term to commence on 1 January 1954.

DOCUMENT A/2419

Note by the Secretary-General

[Original text : English]
[20 July 1953]

1. Resolution 74 (I) adopted by the General Assembly on 7 December 1946 provides :

"That in 1947, and every year thereafter, the General Assembly at its regular session 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 Canada ;
- The Auditor-General (or officer holding the equivalent title) of Colombia ;

The Auditor-General (or officer holding the equivalent title) of Denmark.

3. The Auditor-General (or officer holding the equivalent title) of Colombia was appointed to the Board by the General Assembly at its fifth session [resolution 465 (V)] for a three-year term which will expire on 30 June 1954. Subject to any decisions which may be reached as a result of the review of audit procedures of the United Nations and of the specialized agencies to be undertaken in accordance with resolution 672 B (VII), the General Assembly will be required, at its session in 1953, 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 1954.

4. At previous sessions, a draft resolution including the name of the 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. With a view to expediting the business of the Assembly, it is suggested that a similar procedure should, if necessary, be followed at the eighth session.

DOCUMENT A/C.5/L.251

Note by the Secretariat

[Original text: English]
[3 November 1953]

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 occasioned by the expiration of the term of office of the Auditor-General of Colombia (A/2419).

2. The delegation of Colombia has informed the Chairman of the Fifth Committee that the services of the Auditor-General (or officer holding the equivalent title) of Colombia are available for a further term of office if his reappointment is desired by the General Assembly.

3. No further proposals have been received.

DOCUMENT A/2561

Report of the Fifth Committee

[Original text: English]
[19 November 1953]

1. At its 405th meeting held on 16 November 1953, the Fifth Committee considered a note by the Secretary-General (A/2419) 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 the members of the Board on 30 June 1954.

2. The Chairman had previously invited members of the Fifth Committee to make proposals with respect to Auditors-General (or officers holding equivalent titles) of Member States who might be recommended to the General Assembly for appointment to membership of the Board of Auditors. At the time the matter was considered by the Fifth Committee the delegation of Colombia had informed the Chairman that the services of the Auditor-General (or officer holding equivalent title) of Colombia were available for a further term of office should his reappointment be desired by the General Assembly.

3. For the purpose of deciding who should be recommended for appointment, the Committee proceeded to a vote by secret ballot in accordance with the rules of procedure of the General Assembly relating to elections. The result of the ballot was as follows:

Number of ballot papers:	49
Number of abstentions:	0
Number of invalid ballots:	0
Number of valid ballots:	49
Required majority:	25

Number of votes obtained

The Auditor-General (or officer holding equivalent title) of Colombia	48
The Auditor-General (or officer holding equivalent title) of Bolivia	1

Recommendation of the Fifth Committee

4. The Fifth Committee therefore decided to recommend to the General Assembly the adoption of the following draft resolution:

APPOINTMENT TO FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD OF AUDITORS

The General Assembly

Appoints the Auditor-General (or officer holding equivalent title) of Colombia as a member of the Board of Auditors for a three-year term to commence on 1 July 1954.

DOCUMENT A/2540

Note by the Secretary-General

[Original text: English]
[3 November 1953]

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 terms 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."

The present membership of the Committee is as follows:
Mr. Leslie R. Rounds (United States of America);

Mr. Jacques Rueff (France);
Mr. Ivar Rooth (Sweden).

2. Under the provisions of resolution 155 (II), the term of office of Mr. Jacques Rueff expires on 31 December 1953. It is therefore necessary to appoint a member for a three-year term to begin on 1 January 1954.

3. The Secretary-General considers it important that the United Nations should continue to have the assistance and advice which Mr. Rueff, as an active member of the Investments Committee since its establishment, is able and willing to make available. He therefore submits to the General Assembly, for its approval, the re-appointment of Mr. Jacques Rueff for a three-year term to begin on 1 January 1954. The Advisory Committee on Administrative and Budgetary Questions has concurred in this recommendation.

DOCUMENT A/2560

Report of the Fifth Committee

[Original text: English]
[19 November 1953]

1. At its 403rd meeting held on 6 November 1953, the Fifth Committee considered a note by the Secretary-General (A/2540) concerning the reappointment of Mr. Jacques Rueff of France to fill the vacancy which will occur in the membership of the Investments Committee at the expiration of the term of office of this member on 31 December 1953.

2. The Fifth Committee was informed that, in the opinion of the Secretary-General, it was important that the United Nations should continue to have the assistance and advice which Mr. Rueff, as an active member of the Investments Committee since its establishment, is able and willing to make available. The Fifth Committee was further informed that the Advisory Committee on Administrative and Budgetary Questions had expressed its concurrence in Mr. Rueff's reappointment. There being no objection, the Secretary-General's decision to reappoint Mr. Rueff was confirmed.

Recommendation of the Fifth Committee

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

CONFIRMATION OF THE APPOINTMENT

MADE BY THE SECRETARY-GENERAL TO THE MEMBERSHIP
OF THE INVESTMENTS COMMITTEE

The General Assembly

Confirms 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 1954.

DOCUMENT A/2420

Note by the Secretary-General

[Original text: English]
[20 July 1953]

1. Article 3 (paragraphs 1 and 2) of the Statute of the 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 re-appointed; 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:
Mr. Djalal Adboh (Iran);
Madame Paul Bastid (France);
The Right Honourable Lord Crook (United Kingdom of Great Britain and Northern Ireland);

Mr. Homero Viteri Lafronte (Ecuador) ;
 Mr. Omar Loutfi (Egypt) ;
 Mr. Vladimir Outrata (Czechoslovakia) ;
 Mr. Bror Arvid Sture Petren (Sweden).

3. At its fifth session, the General Assembly [resolution 467 (V)] appointed the following to be members of the Tribunal for a three-year term, ending on 30 November 1953, their terms of office being subsequently extended by the General Assembly [resolution 670 (VII)] to 31 December 1953 :

The Right Honourable Lord Crook ;
 Mr. Vladimir Outrata.

The General Assembly will therefore be called upon, at its eighth session, 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 1954.

4. At previous sessions of the General Assembly, the Fifth Committee, after a secret ballot, has submitted a draft resolution containing the names of the persons recommended for appointment to the Tribunal. With a view to expediting the business of the General Assembly, it is suggested that a similar procedure should be followed at the eighth session.

DOCUMENT A/C.5/L.261

Note by the Secretariat

[Original text : English]
 [3 December 1953]

1. The following persons have been proposed for appointment to the Administrative Tribunal, in whose membership two vacancies will occur consequent on the expiration, on 31 December 1953, of the terms of appointment of the Right Honourable Lord Crook (United Kingdom) and Mr. Vladimir Outrata (Czechoslovakia), (A/2420) :

UNITED KINGDOM

The Rt. Hon. Lord Crook

Born, Carshalton, England. A present member of the Administrative Tribunal (appointed for the period 1951-1953). Appointed by his Government in 1951 as Chairman of the National Dock Labour Board (responsible under Act of Parliament for the organization of dock labour in the 83 ports of Great Britain and the conditions of the 80,000 dock workers employed) ; reappointed to that office in 1953 ; Chairman, 1951 to date, of the National Dock Labour Pensions Fund Trustees and Company ; a Justice of the Peace ; a member of the Civil Service National Whitley Council for the Administrative Staffs of the Civil Service of Great Britain, from 1925 to 1951 ; is a pioneer of, and lecturer on, the Whitley system of staff relationships and civil service administrative questions ; from 1925 to 1951, General Secretary of the Ministry of Labour Staff Association ; and from 1929 to 1951 editor of the *Civil Service Argus* ; experience

in British local government service ; Honorary Secretary, Labour Parliamentary Association, 1947 ; Chairman or member of a number of fact-finding committees and committees of inquiry ; elevated to the peerage in 1947 for public and political services ; a Deputy Chairman of the Committee of the House of Lords ; member of the United Kingdom delegation to the fifth session of the General Assembly, representative on the Fifth Committee (and its special Sub-Committee on the regrading and salaries of the Secretariat).

UNITED STATES OF AMERICA

Mr. Jacob Mark Lashly

Lawyer ; born Randolph County, Illinois, February 16, 1882 ; A.B. St. Louis University, 1903 ; A.M., 1905 ; LL.B., Washington University, 1907 ; honorary LL.D., Monmouth College, 1930 ; admitted to Missouri bar, 1906 ; senior member, firm Lashly, Lashly and Miller, St. Louis, Missouri ; lecturer in public law, Washington University ; President, St. Louis Municipal Theatre Association ; Vice-President, St. Louis Public Library ; Board President, American Bar Association, 1940 ; member, Missouri Bar Association ; St. Louis Bar Association (past president) ; St. Louis Chamber of Commerce (former chairman of the Board) ; *Phi Delta Phi* ; honorary member, Order of Coif.

DOCUMENT A/2618

Report of the Fifth Committee

[Original text : English]
 [7 December 1953]

1. At its 425th meeting held on 7 December 1952, the Fifth Committee considered a note by the Secretary-General (A/2420) concerning the vacancies which will occur in the membership of the United Nations Administrative Tribunal at the expiration of the terms of office of two of its members on 31 December 1953.

2. The Chairman had previously invited the members of the Fifth Committee to submit names of persons who might be recommended to the General Assembly for appointment to membership of the Administrative Tribunal in accordance with article 3 of its Statute. At the time when the matter was considered by the Fifth Committee, the names of two candidates had been proposed.

3. For the purpose of deciding who should be recommended for appointment, the Committee proceeded to vote by secret ballot in accordance with the rules of procedure of the General Assembly relating to elections. The result of the vote was as follows :

Number of ballot papers :	44
Abstentions :	0
Invalid ballots :	0
Number of valid ballots :	44
Required majority :	23
Number of votes obtained :	
The Right Hon. Lord Crook	39
Mr. J. M. Lashly	38

Two other persons received 2 votes and 1 vote respectively.

4. The Rt. Hon. Lord Crook and Mr. Lashly, having obtained the required majority, were 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 :

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 :

The Right Honourable Lord Crook ;
Mr. Jacob Mark Lashly ;

2. Declares the Right Honourable Lord Crook and Mr. Jacob Mark Lashly to be appointed for a three-year term to commence on 1 January 1954.

ACTION TAKEN BY THE GENERAL ASSEMBLY

(a) *Advisory Committee on Administrative and Budgetary Questions*

(b) *Committee on Contributions*

At its 456th plenary meeting, on 3 November 1953, the General Assembly adopted the draft resolutions submitted by the Fifth Committee (see pp. 3 and 5 respectively of this fascicule). For the final texts, see resolutions 762 (VIII) and 763 (VIII).

(c) *Board of Auditors*

(d) *Investments Committee*

(e) *United Nations Administrative Tribunal*

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted the draft resolutions submitted by the Fifth Committee (see pp. 6, 7 and 9 respectively of this fascicule). For the final texts, see resolutions 776 (VIII), 777 (VIII), and 778 (VIII).

(f) *United Nations Staff Pension Committee*

The General Assembly did not take a decision on this subject.

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A/C.5/L.249	Draft report of the Fifth Committee		Same text as document A/2537
A/C.5/L.250	Draft report of the Fifth Committee		Same text as document A/2538
A/C.5/L.251	Note by the Secretariat	6	
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A/RESOLUTION/128	Resolution adopted by the General Assembly at its 456th plenary meeting on 3 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17. resolution 762 (VIII)
A/RESOLUTION/129	Resolution adopted by the General Assembly at its 456th plenary meeting on 3 November 1953		Ibid., resolution 763 (VIII)
A/RESOLUTION/185	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., resolution 776 (VIII)
A/RESOLUTION/186	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., resolution 777 (VIII)
A/RESOLUTION/187	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., resolution 778 (VIII)

GENERAL ASSEMBLY



ANNEXES

EIGHTH SESSION

Official Records

HEADQUARTERS, NEW YORK, 1953

Agenda item 41: Headquarters of the United Nations

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DOCUMENT A/2544

Report of the Secretary-General

[Original text: English]
[5 November 1953]

I. INTRODUCTION

1. Resolution 663 (VII), adopted by the General Assembly on 25 November 1952, requested the Secretary-General to submit a final report to the General Assembly at its eighth session on the construction of the Headquarters. The Secretary-General regrets that, contrary to earlier expectations, it will not be possible for him at the present session to render a final report and accounting on the Headquarters construction programme due to unforeseen delays in the completion both of the work within the United Nations site itself and of the additional work which the City of New York is carrying out on the approaches thereto. Work to be completed within the Headquarters site consists for the most part of some minor phases of the construction programme; certain adjustments in interior and exterior layouts required for the better operation, maintenance and security of the buildings; portions of the landscaping programme; and the installation of artistic objects of a decorative nature, including some of a monumental character, donated by Member States.

II. CONSTRUCTION PROGRESS

2. All the principal structures have been substantially completed and both the buildings and the garage areas are now fully occupied. Occupancy of the Secretariat building commenced in August 1950, eighteen months after the signing of the construction contract. The first Council meetings were held in the new chambers early in 1952, and the General Assembly held its first plenary meeting in its new Hall in October of the same year. The remaining construction items included, among others, completion

of the guard houses on First Avenue at 43rd and 47th Streets; the installation of numerous illuminated and non-illuminated directional signs and bulletin boards; the installation of a complete security alarm system providing proper coverage of the entire group of buildings; interior painting; construction and installation of revolving doors at the north end of, and at the delegates' entrance to, the General Assembly building, and completion of the podium in the General Assembly Hall. It now appears that these items will not be completed, nor the final financial settlements made, until the spring of 1954.

3. Work within the general area of Headquarters for which the City of New York has assumed responsibility has been proceeding simultaneously with the construction of the Headquarters itself. The First Avenue tunnel was opened in the spring of 1953, 42nd Street and 47th Street have been widened and beautified, and similar improvements have been carried out in the two park areas north and south of 42nd Street at the west side of First Avenue. The reconstruction of First Avenue as well as the erection of the fence on the boundaries of the site is approaching completion. It is gratifying to note that the City of New York has renamed First Avenue between 42nd and 47th Streets "United Nations Plaza". The Franklin D. Roosevelt Drive, including the overpasses from the Drive to First Avenue at 42nd and 48th Streets, has also been realigned and rebuilt from 37th to 52nd Streets. Due to unforeseen circumstances, work which the City is undertaking has not proceeded as rapidly as was originally anticipated and this, in turn, has resulted in some delay in the completion of certain adjacent work within the Headquarters site.

4. The landscaping of the grounds started early in 1951 when trees and ground cover were planted west of the Secretariat building and east of the Library. In 1952, with the completion of the General Assembly and the Conference buildings, the landscape work south of the General Assembly buildings was consolidated with the work previously completed in the Secretariat building area and the south garden was also finished.

5. The north area, which was being used by the United Nations and City contractors for storage of materials and contractors' offices, became available in the spring of 1953. A contract was immediately let for the entire landscaping of the north gardens. The landscape area, consisting of the rose gardens, containing some 1,500 roses, 185 flowering cherry trees, as well as a fine group of hawthorns, sweet gum and honey locust trees, together with ground cover, will be substantially completed late this fall. A considerable part of this planting has been donated by individuals or groups of individuals.

6. The landscaping of the remaining areas has been unavoidably retarded as a result of delays in the completion of the tunnel and reconstruction of the surface of First Avenue. The balance of the landscape work, namely the area west of the Library at 42nd Street and west of the ventilator at 43rd Street and First Avenue, has been contracted for. The planting of those trees and shrubs which will not be affected by frost will be completed this fall but the minor items of ground cover and seeding must be delayed until spring. The property line curbs and fence work which tie in with the landscape programme are now progressing and should be completed by the City of New York by early spring.

7. It was anticipated that the construction work connected with the removal of the pier at 46th Street and the repair of the bulkhead along the East River would be completed this year. Last spring, however, a cargo ship sank just off the 46th Street Pier and the United States Army Engineers, who have jurisdiction over all navigable streams, have been unsuccessful to date in raising the wreck. The Secretary-General is advised that another contract for its removal is under preparation and that it is now expected that this operation will be completed by the first of the year, thus permitting the United Nations to proceed, early in the spring of 1954, with the work it is obligated to undertake with respect to the pier and bulkhead. This latter work must be done and paid for by the United Nations, as provided for by agreement with the City of New York.

8. The Secretary-General plans to submit separately as a supplementary budgetary item a proposal for the extension of the Delegates' Dining-Room and Cafeteria facilities.

III. FINANCIAL REPORT

9. The General Assembly, at its sixth session, approved a request of the Secretary-General for authorization to incur any necessary additional expenditure not exceeding \$3 million in excess of the original authorization of \$65 million for the purpose of completing the permanent Headquarters. One million dollars of this amount was appropriated in the 1952 budget (resolution 592 (VI)), in addition to which the Secretary-General was authorized to draw upon the Working Capital Fund, as required, in a total amount not exceeding \$2 million. At its seventh session, the General Assembly appropriated in the 1953

budget a further \$1 million for Headquarters construction purposes (resolution 674 (VII)), and continued the authorization to draw from the Working Capital Fund sums not exceeding the remaining \$1 million for the same purposes (resolution 676 (VII)).

10. As of 30 September 1953, approximately \$67 million had been expended, obligated or budgeted for the completion of the Headquarters construction programme. It is anticipated that, after the remaining work is completed, an amount of not less than \$1 million out of the total of \$68 million will be available for surrender in 1954. It is therefore proposed to release the sum of \$1 million from the authorization presently standing against the Working Capital Fund and to return any residual balance remaining in excess of this amount to the appropriate appropriation account. The savings are the result of determined efforts on the part of officials responsible for the construction of the Headquarters to effect all possible economies in the expenditure of the funds available and to secure advantageous settlement of contractors' claims against the United Nations.

11. The non-interest bearing loan of \$65 million made available by the Government of the United States of America under Public Law No. 903, as set forth in the Headquarters Loan Agreement, has been withdrawn in its entirety by requisition and expended. As of now, a total of \$3,500,000 has been repaid by the United Nations to the United States Government. Withdrawals against the supplementary request of \$3 million have been made in the amount of \$1,500,000. The Headquarters Planning Office construction accounts through 31 July 1953 have been audited by the Board of Auditors.

IV. ART AND GIFTS

12. The procedure of clearing with the Board of Art Advisers all matters relating to the selection of art objects, decorative materials and gift offers is still in effect.

13. Various gifts of statuary, decorative objects and furnishings have been received from a number of governments and other organizations, while other proposals are under discussion. Some of these gifts require, in connexion with their installation, considerable construction work which will therefore extend over into 1954. A complete list of such gifts, together the names of the donors, will be submitted in the final report to be transmitted to the General Assembly at its ninth session.

V. DRAFT RESOLUTION PROPOSED FOR ADOPTION BY THE GENERAL ASSEMBLY

14. The Secretary-General has the honour to submit the following draft resolution for the consideration of the General Assembly :

HEADQUARTERS OF THE UNITED NATIONS

The General Assembly

1. Takes note of the report of the Secretary-General on the permanent Headquarters of the United Nations ;
2. Requests the Secretary-General to submit a final report to the General Assembly at its ninth session on the construction of the Headquarters.

DOCUMENT A/2614**Report of the Fifth Committee**

[Original text : English]
[7 December 1953]

1. Resolution 663 (VII), adopted by the General Assembly on 25 November 1952, requested the Secretary-General to submit a final report to the General Assembly at its eighth session on the construction of the Headquarters. The report submitted by the Secretary-General pursuant to this request (A/2544) and considered by the Fifth Committee as its 405th meeting on 16 November 1953 stated that it would not be possible, during the eighth session, to present a final report and accounting on the Headquarters construction programme due to unforeseen delays in the completion both of the work within the United Nations site itself and of the additional work which the City of New York is carrying out on the approaches thereto. The Secretary-General accordingly proposed that the General Assembly, after reviewing progress to date, should call for a final report to be submitted for its consideration at the ninth session.

2. Discussion in the Fifth Committee was concerned for the most part with the problem of providing more adequate amenities and facilities for delegates, particularly during sessions of the General Assembly. The representative of the Netherlands called attention to the fact that there was no place in the Headquarters buildings where delegates could quietly write, read or hold private consultations without serious disturbance and interruption. It was pointed out in this connexion that the Delegates' Lounge had become, to all intents and purposes, a public area and was therefore wholly unsuited to the working need of delegations. Members taking part in the discussion joined the representative of the Netherlands in expressing the hope that urgent consideration would be given to ways and means of remedying the present unsatisfactory situation without undue expense. Attention was also called to the overcrowded conditions prevailing in the Delegates' Dining Room and to the difficulty of access thereto.

3. The Committee was assured by the representative of the Secretary-General that the views expressed and the suggestions made would be taken fully into account. The Headquarters was the property of the sixty Member States and, within the limitations imposed by the availability of space and funds, all possible efforts would be made to ensure that the buildings and installations conformed to the needs and the desires of delegations. It was recognized that the Delegates' Lounge and Dining Room had not provided the full extent of the service nor fulfilled the purposes for which they had originally been intended. So far as the dining room was concerned, the situation had already been thoroughly examined with the result that a proposal for its enlargement, together with

improved means of access, was before the Fifth Committee for its consideration. The Secretary-General's representative was obliged to state, however, that the problem of providing and equipping additional suitable space in which delegates would be assured of strict privacy was one which might not readily admit of any simple and inexpensive solution.

4. The representative of Belgium, supported by a number of other delegations, suggested that the practice, which appeared to have been discontinued, of holding regular meetings between representatives of the Secretary-General and the secretaries-general of permanent delegations might usefully be revived. There were many practical problems relating to the day-to-day operation of the Headquarters buildings with regard to which permanent delegations were in a position to offer helpful suggestions. The Committee was assured that the Secretary-General would welcome the opportunity of regular consultations with permanent delegations with a view to securing their assistance and advice in matters affecting the daily operation of the Headquarters buildings in the light of the observations and suggestions offered in the course of the discussion of these matters in the Fifth Committee. Arrangements would accordingly be made to reconvene meetings between appropriate officials of the Secretariat and the secretaries-general of the delegations.

5. Discussion of this item having been concluded, the Committee approved, by 37 votes to none, with 5 abstentions, a draft resolution taking note of the report of the Secretary-General on the permanent Headquarters and requesting him to submit a final report for the consideration of the General Assembly at its ninth session.

Recommendation of the Fifth Committee

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

HEADQUARTERS OF THE UNITED NATIONS*The General Assembly,*

1. Takes note of the report of the Secretary-General on the permanent Headquarters of the United Nations (A/2544);

2. Requests the Secretary-General to submit to the General Assembly at its ninth session a final report on the construction of the Headquarters.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting on 9 December 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text, see resolution 780 (VIII).

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A/RESOLUTION/189	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 780 (VIII)

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EIGHTH SESSION

JUN 16 1954
HEADQUARTERS, NEW YORK, 1953

Agenda item 42: scale of assessments for the apportionment of the expenses of the United Nations

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DOCUMENT A/C.5/L.245

Philippines: draft resolution

[Original text: English]
[22 October 1953]

The General Assembly,

Taking note of the objections raised by certain Governments in the scale of assessments proposed for 1954 by the Committee on Contributions and the reasons underlying these objections, and

Recognizing the value of consultations with Member Governments in its task of formulating an equitable scale of assessments on which will be based the contributions of Member Governments to the regular budget of the United Nations,

Resolves that the Committee on Contributions, in reviewing the scale of assessments for the apportionment of the expenses of the United Nations for 1955 and for subsequent years, should consult with Member Governments, particularly those Governments whose contributions are likely to be increased, before a new scale of assessment is finally formulated and submitted to the General Assembly for consideration.

DOCUMENT A/2577 and Corr.1

Report of the Fifth Committee

[Original text: English]
[24 November 1953]

1. In accordance with the allocation of agenda items approved by the General Assembly at its 435th plenary meeting on 17 September 1953, the Fifth Committee, at its 393rd to 396th meetings inclusive, considered the report of the Committee on Contributions (A/2461) on the scale of assessment for the apportionment of the expenses of the United Nations.

2. Tributes were paid by many delegations to the manner in which the Committee on Contributions had implemented the various directives given to it by the General Assembly and to the skill and impartiality with which it had again carried out its exacting and invidious task. Appreciative references were made to the valuable assistance rendered by Miss M. Z. N. Witteveen, of the

Netherlands, during her long service as Chairman of the Committee. In expressing their approval of the Committee's report, some delegations noted with satisfaction that the goal of a 33 1/3 per cent ceiling for the largest contributor had now been reached, following the decision of the General Assembly at its seventh session. A number of delegations, however, while acknowledging the general excellence of the report, expressed disappointment that the Committee's recommendations relative to the scale of assessment for 1954 did not sufficiently reflect the serious economic difficulties currently besetting their respective countries. Others were of the opinion that the Committee had failed to observe important guiding principles laid down in its terms of reference, in consequence of which certain of the increased assessments recommended were both inequitable and unjustified.

3. Several delegations stressed the importance they attached to the two directives approved by the General Assembly at its seventh session [resolution 665 (VII) of 5 December 1952] under which the Committee on Contributions was instructed to give additional recognition to countries with low *per capita* income and to defer application of the *per capita* ceiling principle pending the fulfilment of certain specified conditions. An assurance having been requested that the Committee on Contributions would regard these directives as having a continuing validity, it was stated, on the Committee's behalf, that since the General Assembly had not made them subject to any specific time limit, the Committee would continue to apply them as part of its standing terms of reference until directed otherwise.

4. With reference to the *per capita* ceiling principle, a number of delegations called attention to the fact that its deferment would result in an increasing discrepancy between the *per capita* contribution of certain countries and that of the United States of America, as the country with the largest individual assessment. The representative of Sweden, for example, observed that the *per capita* contribution of those countries which should receive the benefit of the application of the *per capita* ceiling principle exceeded already that of the greatest contributor. Furthermore, as had been recognized by the Committee on Contributions in its report, changes in relative population growth or in relative national income might further affect the relative *per capita* contributions of the countries concerned. His delegation therefore noted with satisfaction that the Committee intended to study at future sessions the most equitable method of applying the General Assembly directive on this subject. The representatives of Canada and New Zealand similarly stressed the importance which their Governments attached to the maintenance of the *per capita* ceiling principle, though agreeing that its full implementation should continue to be deferred until new Members were admitted or substantial improvements in the economic capacity of existing Members permitted necessary adjustments to be gradually absorbed in the scale.

5. Concern was voiced by some delegations at the prospect of the middle income group of contributors being called upon to bear a disproportionate share of the total burden as a result of the adoption of a maximum rate of assessment for the largest contributor together with the application of a *per capita* ceiling and of the granting of a special measure of relief to low *per capita* income countries. The hope was therefore expressed that the Committee on Contributions would continue to devote particular attention to this problem and that, in moving towards a more permanent scale, every effort would be made to apportion the Organization's expenses in such a manner as to avoid unduly burdening those middle income countries which played so vital a role as a balancing force in international affairs.

6. Widespread agreement was expressed with the recommendation of the Committee on Contributions that the proposed scale should apply for one year only, in so far as the present situation did not permit the immediate removal of all remaining divergencies. Many delegations hoped, however, that the Committee would find it possible to submit proposals to the General Assembly, at its next session, for a scale of assessment that would be valid for at least three years, as provided in rule 159 of the Assembly's rules of procedure. It was hoped also that, in this event, the Committee's recommendations would be in the hands of the governments of Members sufficiently early to allow for their thorough consideration by the appropriate financial authorities. In connexion with the problem of establishing a more permanent scale, the Committee's decision to base its calculations of relative capacity to pay on a three-yearly average of national income estimates, while also having regard to economic trends manifested in the individual countries during the current year, was widely welcomed. In order that the influence of short-term fluctuations in economic conditions might be minimized, particularly in the case of countries largely dependent on world prices of raw materials, it was felt by some delegations that national income might more appropriately be averaged over a somewhat longer period. On the other hand, it was suggested that, if a scale was to apply for one year only, it should logically be based on annual income estimates and related statistics.

7. Certain delegations asserted that the Committee on Contributions had failed to take sufficiently into account certain factors mentioned in its terms of reference, namely, temporary dislocation of national economies arising out of the Second World War and the ability of Members to secure foreign exchange; in addition, it had disregarded a principle, adopted by the Committee itself in 1950, whereby the contribution of a Member should not be increased by more than 10 per cent in any one year. In particular, the representative of the Union of Soviet Socialist Republics was of the opinion that there was no justification for the proposed increase of approximately 15 per cent in the contributions of his country, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and Poland, while at the same time it was proposed that the contributions of such countries as the United States of America, the United Kingdom and the Union of South Africa should be reduced. The assessments of the first-mentioned Members, moreover, had already been increased by 10 per cent in 1951, by 40 per cent in 1952 and by 25 per cent in 1953. Post-war reconstruction had demanded and was still demanding enormous expenditures; great difficulty was also being experienced in obtaining necessary foreign currency, particularly United States dollars, as a result of the policy of trade discrimination followed by the United States and other countries towards the Union of Soviet Socialist Republics and the people's democracies. The United States of America, on the other hand, had suffered no damage in the Second World War and had, on the contrary, been able to strengthen its economic and financial position. Moreover, the greater part of the expenditure of the United Nations was made in the United States whose Treasury also benefited directly from the payment of income tax levied on Secretariat officials of United States nationality. For these reasons, as well as the fact that the United States had no difficulty in obtaining dollar currency for the payment of its contributions, the representative of the USSR considered that both the reduction in the assessment of the United States and the proposed increase in the assessments of the USSR, the Ukrainian SSR, the Byelorussian SSR and Poland were entirely unjustified. The representatives of the Byelorussian SSR, the Ukrainian SSR, Poland and Czecho-

slovakia expressed similar views in support of the stand taken by the delegation of the USSR.

8. Several delegations maintained the view that the substantial economic progress admittedly achieved by the USSR and the people's democracies since the end of the war made it imperative for the contributions of those States to be brought more closely into line with their increased capacity to pay. As to temporary dislocation of national economies, agreement was expressed with the conclusion reached by the Committee on Contributions that "to the extent that such dislocations still existed they were largely reflected in estimates of national income based on official information provided by the governments concerned". It was also pointed out that in the early days of the United Nations a number of States had assumed an undue share of the cost; it was therefore reasonable that, as war-devastated countries succeeded in re-establishing their economies on a sound basis, appropriate adjustments should be made in the assessment of those countries which had for years carried more than their legitimate share.

9. Several delegations felt that the Committee on Contributions had not made sufficient allowance for the factor of low *per capita* income. This view was shared, among others, by the representatives of Afghanistan, Bolivia, Chile and Cuba who felt, furthermore, that the depressed state of their respective economies, resulting from falling export prices for basic foodstuffs and raw materials, had not been taken fully into account. Had due weight been given to current economic trends, it was maintained, the proposed 1954 assessment for such countries would have shown some appreciable reduction.

10. The representative of Colombia expressed concern at the proposed increase of 0.06 per cent in his country's rate of assessment, representing as it did an increase of 17.1 per cent as compared with 1953. In a recent study the Economic Commission for Latin America had estimated that Colombia's gross national income had increased by 5.5 per cent between 1945 and 1952. He therefore submitted that the Committee on Contributions had been over-optimistic in its estimate of the national income of Colombia and also that it could not have made sufficient allowance for its low *per capita* income.

11. The representative of China held that the assessment for his country was still too high in relation to its national income and capacity to pay. His delegation, however, would be prepared to accept the proposed assessment for 1954 in view of the fact that it was for one year only and as evidence, furthermore, of his Government's respect for the sense of justice and equity shown by the Committee on Contributions and of the value his Government placed on international understanding and co-operation.

12. The representative of Pakistan, although appreciative of the small reduction in his country's assessment, stated that his Government had hoped for a larger one, in view of the special considerations which his delegation had put forward at the previous session. He hoped that, in future reviews of the scale, those considerations would be taken fully into account.

13. The representative of the Philippines considered that the recommended increase in his country's assessment appeared to be contrary to the General Assembly's instructions. While it was true that national income of the Philippines had increased substantially, population growth had been even more rapid with the result that, from 1951 to 1952, *per capita* income had in fact fallen. With the decline of export prices, moreover, foreign trade was in the throes of a serious crisis, in addition to which the country's reconstruction and development programme and the despatch of an expeditionary force to Korea had

occasioned heavy financial sacrifices. In these circumstances, the Philippines Government requested that its contribution should not be increased pending completion of current negotiations for the revision of the Philippines-United States trade agreement.

14. The representative of Greece stated that, at the time when the Committee on Contributions drew up its report, information was not available regarding the disaster caused by the earthquakes in the Ionian Islands. Furthermore, the devaluation of the Greek drachma during 1953 had increased the country's difficulty in securing foreign exchange. In view of these factors, he submitted that the proposed increase in the assessment for Greece from 0.19 to 0.21 per cent should be reconsidered. The Fifth Committee was informed, however, that in arriving at its recommendations the Committee on Contributions had in fact made allowance for the two factors mentioned and that, although detailed information regarding the extent of the loss and damage suffered was not available when the Committee met, the magnitude of the disaster had not been underestimated. As evidence of the sympathy felt for the Greek people in the national calamity they had suffered, it was suggested by the representatives of France and of Turkey that Greece should be relieved of the obligation to pay the 0.02 per cent increase in its contribution and that the budget should be covered to the extent of only 99.98 per cent of contributions for 1954. The representative of France also suggested that the possibility of adopting the unit system of assessment, as used by the League of Nations, should be examined. In the light of these suggestions, the representative of Greece formally proposed, at the Fifth Committee's 395th meeting, that (1) Members' contributions should be calculated on the basis of a unit system; (2) the total number of units for 1954 should be fixed at 9998; and (3) Greece's contribution for 1954 should be fixed at 19 units. The view was expressed by several delegations, however, that, apart from the dangerous precedent which would be created by departing from the recommendation of the Committee on Contributions, the proposed change from a percentage to a unit system of assessment involved a major question of policy on which the Fifth Committee could not be expected to act so hastily. The representative of Greece accordingly withdrew his proposal, after receiving assurances that the Committee on Contributions would study the unit system of assessment and that, in establishing the scale for 1955, it would take fully into account the effects on the economy of Greece of the catastrophe suffered.

15. In connexion with the dollar shortage referred to by several delegations, the recommendation of the Committee on Contributions, that the arrangements for payment of part of the annual contributions in currencies other than United States dollars should be continued, was strongly supported. The hope was expressed that all efforts would be made to extend the arrangements: for instance, the possibility of increasing the amount of purchases and of printing of United Nations publications in "soft" currency countries might be further explored.

16. Although the Fifth Committee was in general agreement with the principles followed by the Committee on Contributions in tendering advice on the scale of contributions of specialized agencies, it was urged by the delegation of Egypt and others that, in giving such advice, the Committee should call the agencies' attention to the General Assembly directive concerning the recognition to be given to low *per capita* income countries. In reply, the Chairman of the Committee on Contributions gave an assurance that in future the attention of specialized agencies would be specially drawn to the Committee's terms of reference including the General Assembly directive with regard to low *per capita* income countries.

17. At its 396th meeting, the Fifth Committee considered a draft resolution proposed by the Philippines (A/C.5/L.245), calling upon the Committee on Contributions to consult with the Governments of Member States, particularly those whose contributions were likely to be increased, before a new scale of assessment was finally formulated and submitted to the General Assembly. The proposal, however, was withdrawn in the light of a statement made by the Chairman of the Committee on Contributions, who gave the assurance that, as soon as the date of the Committee's next session had been fixed, all delegations would be informed thereof so that they could transmit any relevant information which they might wish the Committee to take into consideration in preparing its recommendations. He suggested also that the Committee on Contributions, when reviewing the scale, could get in touch with those countries whose contributions were likely to be subject to significant change in case they had readily available supplementary information which they deemed it advisable to submit.

18. Serious concern was voiced by many delegations, however, lest the Committee should be transformed into a negotiating body. The fact was stressed that it was the responsibility of the Governments of Members to ensure that all pertinent information was made available, and that no commitments should be entered into or procedures instituted which might conflict with the Committee's terms of reference or impair its essential independence, authority and prestige. It was accordingly decided, on the suggestion of the Rapporteur, that appropriate reference should be made in the report of the Fifth Committee to the desire expressed by the Philippines representative and to the widely held opinion that the Committee on Contributions had no authority to enter into negotiations with the Governments of Members.

19. At the conclusion of its discussion, the Fifth Committee voted paragraph by paragraph on a draft resolution based on the recommendations of the Committee on Contributions (A/C.5/L.244), with the following results:

Paragraph 1 (scale of assessment for 1954) was adopted by 39 votes to 7, with 2 abstentions.

Paragraph 2 (providing for review of the scale in 1954) was adopted by 42 votes to 5, with no abstentions.

Paragraph 3 (authorizing the Secretary-General to collect part of the 1954 contributions in currencies other than United States dollars) was adopted unanimously.

Paragraph 4 (establishing the rates at which Switzerland and the Principality of Liechtenstein shall contribute towards the expenses of the International Court of Justice for 1954) was adopted unanimously.

Paragraph 5 (establishing the rates on the basis of which signatories of international instruments relating to narcotic drugs shall be called upon to contribute towards the annual expenses, commencing with the year 1953, resulting from obligations placed on the United Nations by those instruments) was adopted by 44 votes to 5, with no abstentions.

Paragraph 6 (providing that non-member States becoming Parties to the Convention on Declaration of Death of Missing Persons during 1953 should be assessed retroactively in respect of the 1953 expenses of the Bureau) was adopted by 43 votes to none, with 5 abstentions.

The draft resolution as a whole was adopted by 39 votes to 6, with 3 abstentions.

Recommendation of the Fifth Committee

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

SCALE OF ASSESSMENT FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS: REPORT OF THE COMMITTEE ON CONTRIBUTIONS

The General Assembly

Resolves

1. That the scale of assessment for the 1954 budget shall be as follows:

SCALE OF ASSESSMENT FOR 1954

<i>Member State</i>	<i>Per cent</i>
Afghanistan	0.08
Argentina	1.40
Australia	1.75
Belgium	1.38
Bolivia	0.06
Brazil	1.40
Burma	0.13
Byelorussian Soviet Socialist Republic	0.50
Canada	3.30
Chile	0.33
China	5.62
Colombia	0.41
Costa Rica	0.04
Cuba	0.34
Czechoslovakia	1.05
Denmark	0.78
Dominican Republic	0.05
Ecuador	0.04
Egypt	0.47
El Salvador	0.06
Ethiopia	0.10
France	5.75
Greece	0.21
Guatemala	0.07
Haiti	0.04
Honduras	0.04
Iceland	0.04
India	3.40
Indonesia	0.60
Iran	0.28
Iraq	0.12
Israel	0.17
Lebanon	0.05
Liberia	0.04
Luxembourg	0.06
Mexico	0.75
Netherlands	1.25
New Zealand	0.48
Nicaragua	0.04
Norway	0.50
Pakistan	0.75
Panama	0.05
Paraguay	0.04
Peru	0.18
Philippines	0.45
Poland	1.73
Saudi Arabia	0.07
Sweden	1.65
Syria	0.08
Thailand	0.18
Turkey	0.65
Ukrainian Soviet Socialist Republic	1.88
Union of South Africa	0.78
Union of Soviet Socialist Republics	14.15
United Kingdom of Great Britain and Northern Ireland	9.80
United States of America	33.33
Uruguay	0.18
Venezuela	0.39
Yemen	0.04
Yugoslavia	0.44
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2. That, notwithstanding the provision of rule 159 of the rules of procedure of the General Assembly, the scale of assessment for the apportionment of the expenses of the United Nations shall be reviewed by the Committee

on Contributions in 1954 and a report submitted for the consideration of the General Assembly at its next regular session ;

3. That, notwithstanding the terms of financial regulation 5.5, the Secretary-General shall be empowered to accept, at his discretion, and after consultation with the Chairman of the Committee on Contributions, a portion of the contributions of Member States for the financial year 1954 in currencies other than United States dollars ;

4. That Switzerland shall contribute 1.50 per cent and the Principality of Liechtenstein 0.04 per cent of the expenses of the International Court of Justice for the year 1954, these assessments having been established after consultation with the respective Governments, in accordance with the terms of General Assembly resolutions 91 (I) of 11 December 1946 and 363 (IV) of 1 December 1949 ;

5. That non-member States which are signatories of international instruments relating to the control of narcotic drugs shall be called upon to make contributions towards the annual expenses, commencing with the year 1953, resulting from obligations placed on the United Nations by those instruments, in accordance with the following rates :

Country	Per cent
Albania	0.04
Austria	0.34
Bulgaria	0.19
Cambodia	0.04
Ceylon	0.13
Federal Republic of Germany	4.30
Finland	0.42
Hashemite Kingdom of Jordan	0.04
Hungary	0.48
Ireland	0.30
Italy	2.20
Japan	1.95
Laos	0.04
Liechtenstein	0.04
Monaco	0.04
Portugal	0.30
Romania	0.60
San Marino	0.04
Switzerland	1.26
Viet-Nam	0.17

6. That, if any non-member States should become Parties to the Convention on Declaration of Death of Missing Persons during 1953, they should be assessed retroactively in respect of the 1953 expenses of the International Bureau for Declarations of Death of Missing Persons in accordance with the terms of General Assembly resolution 493 (V) of 16 November 1950.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the draft resolution submitted by the Fifth Committee (see above). For the final text, see resolution 765 (VIII).

CHECK LIST OF DOCUMENTS

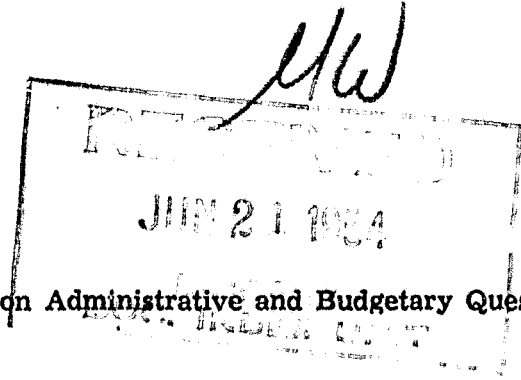
Document No.	Title	Page	Observations and references
A /1330	Report of the Committee on Contributions		Official Records of the General Assembly, Fifth Session, Supplement No. 13
A/1859	Report of the Committee on Contributions		Ibid., Sixth Session, Supplement No. 10
A/2161	Report of the Committee on Contributions		Ibid., Seventh Session, Supplement No. 10
A/2461	Report of the Committee on Contributions		Ibid., Eighth Session, Supplement No. 10
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A/C.5/548	Statement of advances to the Working Capital Fund and contributions to the budgets for the financial years 1951, 1952 and 1953, as at 15 October 1953: report by the Secretary-General		Mimeographed document only
A/C.5/L.244	Draft resolution on the report of the Committee on Contributions (A/2461): note by the Secretariat		Mimeographed document only See document A/RESOLUTION/134
A/C.5/L.245	Philippines: draft resolution	1	
A/C.5/L.254	Draft report of the Fifth Committee		Same text as document A/2577 and Corr.1
A/RESOLUTION/134	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, Resolution 765 (VIII)



Agenda item 43: Review of audit procedures of the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions

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DOCUMENT A/2546

Fifteenth report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[6 November 1953]

1. The report submitted by the Secretary-General (A/2479) in accordance with General Assembly resolution 672 B (VII) of 20 December 1952 shows that :

(a) It is the opinion of the Administrative Committee on Co-ordination that at present there is no need for any general change in audit procedures and arrangements ;

(b) The Secretary-General concurs in that opinion ;

(c) The Secretary-General considers that, as regards the United Nations, a change in the audit arrangements, and particularly the question of the establishment of a full time external audit staff in the Organization, can only be dealt with satisfactorily in conjunction with the review of internal control and audit responsibilities which would form an integral part of the general question of a revision of the administrative structure of the Sec-

retariat. Accordingly, the Secretary-General proposes that consideration of the item as a whole should be postponed until the ninth session of the General Assembly.

2. In these circumstances, the Advisory Committee concurs in the Secretary-General's proposal for postponement. It trusts, however, that nothing will be done, in the course of review, to weaken the principle that inspired, during 1948-1949, the establishment of a joint panel of auditors and the formulation of a common set of principles for the audits. It should be borne in mind that the plan so successfully developed during those years (and adopted by a majority of the specialized agencies) went far to achieve a common system of audit for the United Nations and the specialized agencies, with the attendant advantages that common standards, practices and forms can offer.

DOCUMENT A/2566

Report of the Fifth Committee

[Original text: English]
[23 November 1953]

1. The General Assembly, on 20 December 1952, adopted resolution 672 B (VII), by which the Assembly :

(a) Invited the Secretary-General and the executive heads of the specialized agencies, in consultation with the Joint Panel of Auditors, to review in the Administrative Committee on Co-ordination the present audit procedures

and arrangements, and to make appropriate recommendations on any changes or improvements they might consider desirable ;

(b) Invited the governments of Member States to submit any views or recommendations they might have on this question to the Secretary-General for his consideration

and for transmittal to the specialized agencies and the Advisory Committee on Administrative and Budgetary Questions ;

(c) Requested the Advisory Committee on Administrative and Budgetary Questions to examine the recommendations of the Administrative Committee on Co-ordination and to report thereon to the General Assembly at its eighth session.

2. The reports presented by the Secretary-General (A/2479) and by the Advisory Committee on Administrative and Budgetary Questions (A/2546), pursuant to the above resolution, were considered by the Fifth Committee at its 405th meeting held on 16 November 1953.

3. The Committee noted, from the report submitted by the Secretary-General :

(1) that he was in agreement with the conclusion reached by the Administrative Committee on Co-ordination that there did not appear to be at present any need for a general change in the type of audit arrangements now in existence ; and

(2) that, as regards the United Nations, it was the view of the Secretary-General that a change in the audit arrangements, and particularly the question of the establishment of a full time external audit staff in the Organization, could only be dealt with satisfactorily in conjunction with the review of internal control and audit responsibilities which would form an integral part of the general question of a revision of the administrative structure of the Secretariat. Accordingly, the Secretary-General proposed that consideration of the item as a whole should be postponed until the ninth session of the General Assembly.

4. In view of the circumstances outlined by the Secretary-General, the Advisory Committee indicated its concurrence in the proposal for postponement. The hope was expressed, however, that nothing would be done, in the course of review, to weaken the principle that

inspired, during 1948-1949, the establishment of a joint panel of auditors and the formulation of a common set of principles for the audits, having regard to the fact that the plan so successfully developed during those years (and adopted by a majority of the specialized agencies) went far to achieve a common system of audit for the United Nations and the agencies with the attendant advantages that common standards, practices and forms could offer.

5. In the course of the discussion in the Fifth Committee, the foregoing observation of the Advisory Committee received strong endorsement. Support was similarly given to the opinion expressed by the Administrative Committee on Co-ordination to the effect that any full-time staff that might be set up to deal with questions of external audit should not replace the existing Board of Auditors and thereby impair the accepted principle that final responsibility for external audit rested with governmental auditors.

Recommendation of the Fifth Committee

6. Subject to these observations, the Fifth Committee decided, without objection, to recommend to the General Assembly the adoption of the following draft resolution :

REVIEW OF AUDIT PROCEDURES OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

The General Assembly

1. Takes note of the report of the Secretary-General on the question of a review of audit procedures of the United Nations and the specialized agencies (A/2479) and of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions (A/2546) ;

2. Decides to postpone consideration of the item until the ninth session of the General Assembly.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text, see resolution 768 (VIII).

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<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/2479	Report of the Secretary-General		Mimeographed document only
A/2546	Fifteenth report of the Advisory Committee on Administrative and Budgetary Questions	1	
A/2566	Report of the Fifth Committee	1	
A/RESOLUTION/137	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 768 (VIII)
E/2446	Thirteenth report of the Administrative Committee on Co-ordination to the Economic and Social Council		Official Records of the Economic and Social Council, Sixteenth Session, Annexes, agenda item 30 a

GENERAL ASSEMBLY

Official Records



ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 44: Report of the Negotiating Committee for Extra-Budgetary Funds

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DOCUMENT A/2478

Report of the Negotiating Committee for Extra-Budgetary Funds

[Original text: English]
[17 September 1953]

I

1. The General Assembly, at its seventh session (resolution 693 (VII) of 25 October 1952), decided again to establish a Negotiating Committee for Extra-Budgetary Funds, on the same lines as in the previous year, to assist in obtaining funds for the Expanded Programme of Technical Assistance, for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the United Nations Korean Reconstruction Agency (UNKRA) and for the United Nations Children's Fund (UNICEF), and for such other special programmes not provided for in the regular budget of the United Nations as might be designated by the General Assembly. The President of the Assembly appointed a committee of nine members for this purpose, composed of the representatives of Australia, Canada, Colombia, France, Haiti, Lebanon, Pakistan, the United Kingdom and the United States of America. The committee elected as its Chairman Dr. Karim Azkoul of Lebanon.

2. The Committee began its work on 14 November 1952. In the early months of 1953, it concentrated on the Expanded Programme of Technical Assistance, in preparation for the Technical Assistance Conference. This conference took place on 26 February 1953, and pledges amounting to \$21,145,570 were announced by the governments of sixty-three Member and non-member States. Pledges for 1953 to the expanded programme have since increased to a total of \$22,393,313 from sixty-nine countries, against a target of \$25 million. (Detailed

figures of pledges and payments to this and the other programmes will be found in the annex to the present report.)

3. The Committee next turned its attention to securing pledges from governments to UNRWA and UNICEF, and invited those governments which had not yet contributed to either or both of these programmes to meet with the Committee. For UNRWA, pledges for the fiscal year 1952-1953 from thirty-nine governments, amounting to an actual total of \$67,086,830, have so far been made, and a total sum of approximately \$147 million has so far been pledged against the three-year target figure of \$250 million set by the General Assembly in resolution 513 (VI). Pledges for the fiscal year 1953-1954 totalling \$388,758 from six governments have so far been made.

4. For UNICEF, pledges for the current fiscal year totalling \$14,206,020 from forty-seven governments have so far been made, against a target of \$20 million established by the UNICEF Executive Board.

5. The Negotiating Committee then turned its attention to UNKRA and drew the attention of those governments which had not yet contributed to the agency to the fact that a sum of approximately \$44 million still remained to be pledged to meet the \$250 million budget for three years envisaged in pursuance of General Assembly resolution 410 (V). Up to 1 September 1953, pledges in cash and kind from thirty-three governments amounting to a total of \$207,518,517 have been made to UNKRA.

6. The Committee believes that it would be of value to continue similar negotiations both formally and informally during the eighth session of the General Assembly.

II

7. The Committee has devoted a certain amount of time to discussing its methods of work and the best methods of achieving results. The pledges described briefly above and in detail in the annex are, of course, not the result solely of the work of the Negotiating Committee. Many of them are the spontaneous response of governments, and some others have been partly the results of visits to and private negotiations with governments by senior officials and other persons on behalf of the various agencies. While welcoming the efforts of the agencies themselves to secure pledges from governments wherever appropriate, the Negotiating Committee feels that its own most appropriate and useful activity is to initiate requests for funds mainly through delegations at the seat of the United Nations, to maintain contact with delegations during the year on questions concerning extra-budgetary contributions, and to co-ordinate the various approaches to governments for extra-budgetary funds, and it has noted with satisfaction the increased interest of delegations in its activities. The Committee believes that, with the collaboration of delegations in New York, it has, in many cases, been possible to secure action by governments in their own countries which has resulted in contributions to these programmes.

8. The Committee, throughout its work, has always stressed the importance of as near universal support as possible for the extra-budgetary programmes of the Organization and has aimed at securing contributions from as many countries, both Members and non-members of the United Nations, as possible. As regards the coming year, a number of factors make the universal and increased support of the agencies supported by extra-budgetary contributions more vital than ever.

9. The Expanded Programme of Technical Assistance has reached a stage of development where it needs all the financial and other support which States can give it, if it is to develop its full potential influence in meeting the needs of the under-developed countries. For this

reason, the Economic and Social Council, at its sixteenth session (resolution 492 C (XVI)), urged governments to contribute to the maximum extent possible to the programme for 1954 and "in any case so that the funds available shall be no less than the amount earmarked by the Technical Assistance Board for the approved 1953 programme", i.e., approximately \$25,300,000.

10. The United Nations Relief and Works Agency for Palestine Refugees in the Near East is also reaching a stage where further continued financial support will be required if the agency is to achieve success in solving the difficult problems of these refugees.

11. The prospect of peace in Korea imposes a very heavy responsibility for reconstruction and rehabilitation on the international community, resulting in a continuing requirement for financial support by governments on a major scale.

12. As far as the United Nations Children's Fund is concerned, the recent recommendation of the Economic and Social Council for its continuation on a more permanent basis, if endorsed by the General Assembly, will require continuing financial support on at least the same scale as in recent years, if even the minimum urgent needs of children in many countries all over the world are to be met through assistance to governments.

13. Each of the programmes mentioned briefly above represents the urgent assistance required in the area or field of work concerned for which the international community has assumed responsibility. Each of the programmes mentioned has reached a stage where continued financial support is essential, on either the same or an increased scale, if the programmes are to produce the desired benefits for the areas and countries concerned. Apart from this consideration, the wider the basis of the support that is given to these programmes, the more valuable they are as an expression of international solidarity and of the spirit of mutual assistance among nations.

14. The Negotiating Committee recommends that the General Assembly should consider making early provision for the continuation of its work by a committee of Member Governments.

ANNEX

TABLE OF PLEDGES AND PAYMENTS OF CONTRIBUTIONS TO THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE,
UNICEF AND UNRWA FOR 1953 AND 1954, AND TO UNKRA UP TO 1 SEPTEMBER 1953

(In US dollars)

Contributors	1953						1952-1953		1954		1953-1954 UNRWA Pledge
	UNKRA		Expanded Programme		UNICEF		UNRWA		Expanded Programme Pledge	UNICEF Pledge	
	Pledge	Payment	Pledge	Payment	Pledge	Payment	Pledge	Payment			
MEMBER STATES											
Afghanistan	-	-	7,000	-	8,000	4,000	-	-	-	-	-
Argentina	500,000	500,000	200,000	-	-	-	-	-	-	-	-
Australia	4,002,710	1,330,733	400,000	182,007	-	-	440,803	440,803	-	-	-
Belgium	200,000	100,000	283,500	160,000	100,000	-	30,000	-	-	-	-
Bolivia	-	-	25,000	-	10,000	-	-	-	-	-	-
Brazil	-	-	459,459	-	161,725	161,725	25,000	-	-	-	-
Burma	49,934	49,934	12,000	12,000	56,000	-	-	-	-	-	-
Byelorussian SSR..	-	-	-	-	-	-	-	-	-	-	-
Canada	6,904,762	6,904,762	800,000	800,000	507,614	507,614	600,000	600,000	-	-	-
Chile	250,000	-	209,032	-	47,213	47,213	-	-	-	-	-
China	-	-	10,000	-	-	-	-	-	-	-	-
Colombia	-	-	100,000	100,000	25,606	25,606	-	-	-	-	-
Costa Rica	-	-	5,000	5,000	10,000	-	-	-	-	-	-
Cuba	-	-	50,000	-	-	-	-	-	-	-	-
Czechoslovakia . . .	-	-	-	-	-	-	-	-	-	-	-
Denmark	860,000	289,555	434,342	217,171	28,960	28,960	43,478	43,478	-	-	-
Dominican Republic	10,000	-	10,000	10,000	-	-	-	-	-	-	-
Ecuador	-	-	6,400	-	1,000	500	-	-	-	-	-
Egypt	28,716	-	86,157	86,157	-	-	245,673	245,673	-	-	-
El Salvador	500	-	6,000	6,000	-	-	500	500	-	-	-
Ethiopia	40,000	40,000	20,000	-	24,000	-	-	-	-	-	-
France	-	-	1,207,500	1,207,500	500,000	500,000	2,596,937	382,651	-	-	-
Greece	-	-	20,295	-	-	-	21,000	21,000	-	-	-
Guatemala	-	-	7,500	-	-	-	-	-	-	-	-
Haiti	-	-	12,000	12,000	10,000	-	-	2,000	-	-	-
Honduras	2,500	2,500	14,600	14,600	20,000	20,000	-	-	-	-	-
Iceland	-	-	2,800	2,800	3,069	-	-	-	-	-	-
India	-	-	275,000	-	315,000	315,000	104,000	-	-	-	-
Indonesia	100,000	100,000	59,211	-	100,000	100,000	60,000	60,000	-	-	60,000
Iran	-	-	40,000	-	-	-	5,138	-	-	-	-
Iraq	-	-	11,201	-	42,000	-	-	-	-	-	-
Israel	33,600	33,600	40,000	10,000	25,000	-	1,029	1,029	-	-	-
Lebanon	50,000	50,000	6,846	-	-	-	47,385	14,385	-	-	-
Liberia	15,000	15,000	12,000	12,000	-	-	-	-	-	-	-
Luxembourg	30,000	30,000	2,500	2,500	3,000	-	2,000	2,000	-	-	-

TABLE OF PLEDGES AND PAYMENTS OF CONTRIBUTIONS TO THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE,
UNICEF AND UNRWA FOR 1953 AND 1954, AND TO UNKRA UP TO 1 SEPTEMBER 1953 (continued)

(In US dollars)

Contributors	1953						1952-1953		1954		1953-1954 UNRWA Pledge
	UNKRA		Expanded Programme		UNICEF		UNRWA		Expanded Programme Pledge	UNICEF Pledge	
	Pledge	Payment	Pledge	Payment	Pledge	Payment	Pledge	Payment			
Mexico	-	-	34,682	-	-	-	-	-	-	-	-
Netherlands	263,158	263,158	421,053	280,526	39,474	39,474	25,000	-	-	-	-
New Zealand	557,900	-	125,593	125,593	140,000	140,000	140,000	140,000	-	-	140,000
Nicaragua	-	-	5,000	-	24,000	-	-	-	-	-	-
Norway	829,000	11,900	69,999	69,999	28,000	28,000	42,097	42,097	-	-	42,097
Pakistan	-	-	166,213	166,213	60,000	-	90,750	-	-	-	30,250
Panama	3,000	-	3,000	-	-	-	-	-	-	-	-
Paraguay	10,000	10,000	5,000	-	-	-	-	-	-	-	-
Peru	-	-	10,000	-	58,333	41,667	-	-	-	-	-
Philippines	-	-	50,000	-	50,000	-	-	-	-	-	-
Poland	-	-	75,000	-	-	-	-	-	-	-	-
Saudi Arabia	20,000	20,000	15,000	15,000	-	-	115,000	40,000	-	-	-
Sweden	966,518	322,237	386,623	386,623	193,050	193,050	58,000	44,788	-	-	58,000
Syria	11,408	-	11,410	-	-	-	61,826	61,826	-	-	-
Thailand	-	-	40,000	40,000	573,538	573,538	-	-	-	-	-
Turkey	-	-	183,571	-	17,857	-	53,571	-	-	-	-
Ukrainian SSR	-	-	-	-	-	-	-	-	-	-	-
Union of South Africa	-	-	-	-	-	-	-	-	-	-	-
USSR	-	-	1,000,000	-	-	-	-	-	-	-	-
United Kingdom ..	28,000,000	8,540,000	1,400,168	1,400,168	280,000	280,000	15,000,160	5,200,000	-	-	-
United States	162,500,000	50,750,000	12,767,145	8,171,333	9,814,333	-	60,063,250	16,000,000	-	-	-
Uruguay	-	-	75,000	-	250,000	-	5,000	-	-	-	-
Venezuela	70,000	70,000	25,000	12,500	-	-	-	-	-	-	-
Yemen	-	-	2,100	2,100	-	-	-	-	-	-	-
Yugoslavia	-	-	62,500	62,500	200,000	29,614	40,000	-	-	-	-
TOTAL	206,308,706	69,433,379	21,769,400	13,572,290	13,726,772	3,035,961	79,919,597	23,340,230	-	-	330,347
NON-MEMBER STATES											
Austria	162,936	162,936	19,231	-	23,408	-	700	700	-	-	-
Cambodia	-	-	5,000	5,000	2,000	1,000	2,000	2,000	-	-	-
Ceylon	-	-	15,000	15,000	7,497	7,497	-	-	-	-	-
Federal Republic of Germany	-	-	148,810	-	119,000	-	23,810	23,810	-	-	-
Finland	-	-	10,000	10,000	-	-	1,000	1,000	-	-	-
Ireland	-	-	-	-	28,000	-	-	-	-	-	-
Italy	1,013,333	1,013,333	93,000	-	-	-	38,400	11,600	-	-	-

Japan	-	-	80,000	80,000	100,000	-	-	-	-	-	-
Jordan	-	-	-	-	1,400	-	162,000	70,000	-	-	-
Korea	-	-	3,000	-	1,000	-	2,000	2,000	-	-	-
Laos	-	-	4,857	-	-	-	1,207	1,207	-	-	-
Libya	-	-	3,000	-	-	-	-	-	-	-	-
Liechtenstein	-	-	-	-	-	-	-	-	-	-	-
Monaco	286	286	1,143	1,143	1,143	1,143	285	285	-	-	-
Portugal	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-	-
Switzerland	23,256	23,256	233,372	186,698	163,800	163,800	-	-	-	-	58,411
Viet-Nam	10,000	10,000	7,500	-	7,500	-	6,000	6,000	-	-	-
TOTAL	1,209,811	1,209,811	623,913	297,841	454,748	173,440	248,702	118,602			58,411
OTHER CONTRIBUTORS											
Bahrein	-	-	-	-	-	-	-	-	-	-	-
Brunei	-	-	-	-	-	-	-	-	-	-	-
Kuweit	-	-	-	-	-	-	-	-	-	-	-
Malaya	-	-	-	-	24,500	-	21,000	-	-	-	-
Quatar	-	-	-	-	-	-	-	-	-	-	-
Southern Rhodesia	-	-	-	-	-	-	-	-	-	-	-
Sudan	-	-	-	-	-	-	-	-	-	-	-
					24,500						
GRAND TOTAL	207,518,517	70,643,190^a	22,393,313	13,870,131^b	14,206,020	3,209,401^c	80,189,299^d	23,458,832			388,758

^a United States contribution limited to 65 per cent of total.

^b United States contribution limited to 60 per cent of total.

^c United States contribution limited to 33.33 per cent of all contributions including contributions not included in this table.

^d United States contribution limited to 70 per cent of total, therefore actual total \$67,086,830.

DOCUMENT A/2491

Report of the Fifth Committee

[Original text: English]
[1 October 1953]

1. Resolution 693 (VII) adopted by the General Assembly on 25 October 1952 provided for the re-establishment of a Negotiating Committee for Extra-Budgetary Funds with substantially the same terms of reference as those under which a similar committee had operated during the preceding year. The Committee was charged with the responsibility of consulting with Member and non-member States as to the amounts which governments might be willing to contribute, on a voluntary basis, towards the Expanded Programme of Technical Assistance, the programme of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the programme of the United Nations Korean Reconstruction Agency, the programme of the United Nations Children's Fund, and such other programmes as the General Assembly should specifically authorize. The resolution requested the Committee to report to the General Assembly at its eighth session and provided for the report to be placed on the provisional agenda of that session.

2. In accordance with the allocation of agenda items decided upon by the General Assembly at its 435th plenary meeting on 17 September 1953, the Fifth Committee, at its 378th meeting held on 24 September, considered the report (A/2478) presented by the Negotiating Committee for Extra-Budgetary Funds pursuant to the terms of the resolution 693 (VII).

3. Discussion in the Fifth Committee was introduced by a statement from the Chairman of the Negotiating Committee who, after reviewing the results of the work carried out by the Committee in the course of 1953, stressed the necessity of further contributions being promptly made to the four programmes with which the Committee was concerned if these were to be maintained at their present level and if additional needs arising in Korea as a result of recent events were to be adequately met. He informed the Fifth Committee that, in August 1953, a letter had been circulated to Member and non-member States setting forth the financial requirements of the four programmes for the coming year and inviting governments urgently to consider the matter so that their representatives might be in a position to inform the General Assembly at its eighth session as to the contributions they would be able to make. In the light of past experience, he considered it was vitally important that those responsible for the administration of the programmes in question should have some idea in advance of the resources that would be available to them. It was hoped, therefore, that delegations would give their full support to any new Committee that might be appointed, in the knowledge that the work thus sponsored represented one of the finest achievements of the United Nations.

4. A number of representatives expressed their appreciation of the work which the Negotiating Committee appointed at the seventh session of the General Assembly

had so successfully carried out under the able, energetic and tactful guidance of its Chairman. The view was expressed that, although the formal and informal procedures followed by the Committee during the past year had proved eminently satisfactory, Member Governments should not hesitate to suggest other procedures to the Committee.

5. The representatives of Chile and Denmark, referring to the status of pledged contributions of their Governments to the United Nations Korean Reconstruction Agency and the Expanded Programme of Technical Assistance respectively, as shown in the annex to the Committee's report, stated that these particular contributions had been made available in full. The operating agencies were aware of the position even though they had not yet been able to utilize the contributions in full. The importance of improved co-ordination between the Negotiating Committee and the agencies concerned, especially as regards the timing of their approaches to governments and their consultations with governmental representatives, was also emphasized.

6. The Negotiating Committee having recommended, in its report, that the General Assembly should consider making early provision for the continuation of its work by a committee of Member Governments, a draft resolution to this effect, (A/C.5/L.235), submitted by Australia, Canada, Colombia, France, Haiti, Lebanon and the United States of America, was unanimously approved.

Recommendation of the Fifth Committee

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

APPOINTMENT OF A NEGOTIATING COMMITTEE FOR EXTRA-BUDGETARY FUNDS

The General Assembly,

Noting the report of the Negotiating Committee for Extra-Budgetary Funds, appointed at the seventh session of the General Assembly (A/2478),

Concluding that provision should be made for the continuation of the work of the Committee,

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 laid down in resolution 693 (VII) of 25 October 1952;

2. *Requests* the Negotiating Committee to report to the General Assembly at its ninth session;

3. *Decides* to include in the provisional agenda of the ninth session the item "Report of the Negotiating Committee for Extra-Budgetary Funds".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 451st plenary meeting, on 5 October 1953, the General Assembly adopted the above draft resolution, submitted by the Fifth Committee. For the final text, see resolution 759 (VIII).

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A/C.5/L.235	Australia, Canada, Colombia, France, Haiti, Lebanon and United States of America : draft resolution		A/2491, paragraph 7
A/C.5/L.236	Draft report of the Fifth Committee		Same text as A/2491
A/RESOLUTION/108	Resolution adopted by the General Assembly at its 451st plenary meeting, on 5 October 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 759 (VIII)

**Agenda Item 45: Administrative and budgetary co-ordination between the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions**

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DOCUMENT A/2582

Twenty-sixth report of the Advisory Committee on Administrative and Budgetary Questions: administrative budgets of the specialized agencies for 1954

[Original text: English]
[1 December 1953]

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 1954 of the following specialized agencies, whose agreements with the United Nations provide for the transmittal of their budgets for review by the General Assembly¹: International Labour Organization, 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, World Meteorological Organization.

2. The gross totals of the 1954 budgets or budget estimates of these agencies are shown in the table on page 2, together with the appropriation figures for 1953 and actual expenditure for each of the three years 1950, 1951 and 1952.

3. The table shows an over-all increase, by comparison with the 1953 appropriations, of \$1,106,972 in the amounts proposed or approved in respect of 1954 for the United Nations and the specialized agencies. Certain of the figures are, however, estimates which may be reduced by decision of the legislative bodies. In the case of the

United Nations, where a slight decrease occurs, adjustments may be made by the General Assembly during its current session.

4. As the formative period is now past even for the most recently created of the specialized agencies, it seems pertinent to mark the discrepancy between the situation illustrated in the table and the objective set by the General Assembly on 1 December 1950 when it urged the specialized agencies "to intensify their efforts to stabilize their regular budgets by the elimination or deferment of less urgent projects" (resolution 411 (V), paragraph 1 of the operative part). Only a minority of the agencies have so far succeeded in their efforts, as may be seen in the summary tables presented below. The aggregate of expenditure proposed for 1954 in the United Nations and the specialized agencies continues to show a marked increase in certain items, notably in official travel of staff and consultants (where the combined increase amounts to \$457,000). Even where, as in the case of printing, an actual increase is not recorded, the total still remains extremely high (1953: \$2,989,000; 1954: \$2,964,000).

5. The General Assembly may wish to consider by what means a comprehensive financial appraisal might be made of the activities of the United Nations and the specialized agencies. Their budgets are adopted, according to the constitutional processes of the several organizations, by independent legislative bodies. It falls therefore to governments to examine individually, in

¹ 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.

	1950 Actual expenses Dollars (US)	1951 Actual expenses Dollars (US)	1952 Actual expenses Dollars (US)	1953 Appropriations Dollars (US)	1954 Appropriations or estimates Dollars (US)	1954 Increase or decrease by comparison with 1953 Dollars (US)
International Labour Organisation ...	5,266,854	5,834,589	6,389,539	6,550,585	6,643,887	93,302
Food and Agriculture Organization ..	4,504,653	4,581,456	4,830,334	5,250,000	6,040,000	790,000
United Nations Educational, Scientific and Cultural Organization	7,162,794	7,989,102	3,726,107	8,242,302 *	8,834,662 *	592,360
International Civil Aviation Organ- ization	2,946,080	3,171,819	3,191,748	3,259,384	3,200,000	(—59,384)
Universal Postal Union	301,837	354,098	416,978	458,347	498,185	39,838
World Health Organization	6,108,299	6,259,247	7,938,850 *	8,485,095 *	8,497,700 *	12,605
International Telecommunication Union °	1,639,639	1,643,240	1,591,875	1,557,680	1,478,662	(—79,018)
World Meteorological Organization ..		185,755	179,259	441,431	363,000	(—78,431)
Sub-total (specialized agencies)	27,930,156	30,019,306	33,264,690	34,244,824	35,556,096	1,311,272
United Nations	43,746,264	48,628,383	50,270,153	48,327,700	48,123,400	(—204,300)
GRAND TOTAL	71,676,420	78,647,689	83,534,843	82,572,524	83,679,496	1,106,972

The following rates of exchange have been used in the above table: Canadian dollar at Canadian \$1.05 — \$US1.00 for 1951: at par for subsequent years. Swiss francs: Sw. frs. 4.28 — \$US1.00 for 1950 and 1951, Sw. frs. 4.33 — \$US1.00 for subsequent years.

* Excluding undistributed reserve: 1953: \$785,547; 1954: \$870,453.

° Excluding undistributed reserve: 1952: \$1,400,000; 1953: \$1,347,659; 1954: \$1,340,300.

° Ordinary and extraordinary budgets.

connexion with each separate budget, the problem of relative priority among major fields of activity. This process might be greatly facilitated if intergovernmental discussions were held at a central point. As directed by the General Assembly, the Advisory Committee has given continuous attention to the question of stabilizing the administrative expenditures of the specialized agencies. But this objective presupposes, as an initial step, the performance of a function not within the competence of the Committee: to determine an order of relative priority among fields of activity and to ensure that the order, once established, shall be subject to regular review.

6. The Advisory Committee is aware of the important contribution to a solution of this problem which the Economic and Social Council has made in the exercise of its responsibilities under Articles 63 and 64 of the Charter of the United Nations. As early as 1948, the Committee suggested that the Members of the United Nations would appreciate a greater degree of guidance in the matter from the Council, such guidance to be based upon advice from the Secretary-General acting in conjunction with the executive heads of the agencies. Noteworthy progress towards a solution was made in subsequent years. At its eleventh session (1950), the Council adopted a set of criteria (Economic and Social Council resolution 324 (XI), annex) intended to provide for the organs of the United Nations and the specialized agencies "a common approach to the evaluation of priorities between programmes within a particular field of work and between projects within those programmes", while at its fourteenth session (1952) the Council drew up a list of priority programmes (resolution 541 (XIV), annex) in the economic and social fields which, though not a comprehensive catalogue of all United Nations and agency activities, indicated certain major fields on which a further concentration of efforts might be attempted.

7. Two points that seem to lend weight to the suggested central review of activities were emphasized by the Council itself: first, when establishing in 1950 the list of criteria, it pointed out (Council resolution 324 (XI),

annex) that "their effectiveness will largely depend upon the extent to which governments, through their delegates, are prepared to apply them to proposals submitted at the various international conferences"; and secondly, when drawing up its priority list in 1952, the Council expressly refrained from attempting to indicate an order of importance among the six major programmes or the several contributory programmes in the economic and social fields. These were listed instead merely by subject matter.

8. A consolidated summary of appropriations or estimates by main heads of expenditure as compared with the corresponding figures for 1953 is presented in the following paragraphs, in respect of each of the specialized agencies under review, in order to show in condensed form the information contained in Information annex II to the budget estimates for the financial year 1954 (A/2383/Add.1, pages 4 to 7).

9. International Labour Organisation:

	1953 Appropriations Dollars (US)	1954 Appropriations Dollars (US)
Personal services	4,433,893	4,648,940
General services	1,836,523	1,691,571
Special projects and activities ..	50,000	35,000
Other budgetary provisions	(15,548)	22,659
TOTAL (GROSS)	6,304,868	6,398,170
Less: Casual revenue	81,500	87,000
TOTAL (NET)	6,223,368	6,311,170

10. The increase for 1954 of approximately \$93,000 (gross) by comparison with 1953 is due for the most part to the removal of the minus 5 per cent differential on the salaries of internationally recruited staff at Geneva, and the Committee notes that, if account is taken of the cost of annual salary increments (about \$70,000) ILO has in effect achieved, since 1950, a stabilized budget.

11. Apart from the funds allotted from the Special Account for the Expanded Programme of Technical

Assistance, no extra-budgetary funds are available to ILO, the Special Migration Account, under which a sum of nearly 1 million dollars was made available in 1950, having been closed at the end of June 1952.

12. In his explanatory notes on the budget estimates for 1954, the Director-General of the International Labour Office stated that he had continued to bear in mind the criteria for determining the relative priority of activities that had been recommended by the Economic and Social Council, and that he had endeavoured to apply them as fully as possible. The budget document also included a summary of the 1954 estimates arranged on project budget lines, in which the application of the Council's criteria to the various activities was usefully shown in detail.

13. *Food and Agriculture Organization of the United Nations*

	1953 Appropriations Dollars (US)	1954 Appropriations Dollars (US)
Personal services	3,976,644	4,545,423
General services	1,230,025	1,448,016
Special projects and activities ..	—	—
Other budgetary provisions	43,331	46,561
TOTAL (GROSS)	5,250,000	6,040,000
<i>Less</i> : Casual revenue	70,000	67,000
TOTAL (NET)	5,180,000	5,973,000

14. Comment on the proposed increase of \$790,000 (gross) for 1954 was offered by the Director-General of FAO in the introduction to the programme and budget document for 1954 and 1955: "... All our projects are of a continuing character and, in order to be fully realized, require expanding resources. Some of them will, in due course, come to an end, and when that time comes we will indeed have achieved a major victory. But to discontinue any of them now would mean that our past investment in them will have been lost. ... I have thus been led to the inevitable conclusion that a higher budget is absolutely essential, not merely to make room for normal statutory increases in staff expenses, but also to provide for a minimum of expansion in certain areas of activity."

15. *United Nations Educational, Scientific and Cultural Organization :*

	1953 Appropriations Dollars (US)	1954 Appropriations Dollars (US)
Personal services	4,807,283	5,088,483
General services	1,804,920	2,109,970
Special projects and activities ..	1,630,099	1,636,209
Other budgetary provisions,	785,547	870,453
TOTAL (GROSS)	9,027,849	9,705,115
<i>Less</i> : Casual revenue	489,298	243,666
TOTAL (NET)	8,538,551	9,461,449

16. The larger part of the increase in gross appropriations between the two years arises out of the decision to hold the 1954 General Conference at Montevideo, which is reflected in the amounts authorized respectively for 1953 (\$76,878), when no General Conference is being held, and 1954 (\$567,985) under the General Policy appropriation.

17. The Advisory Committee notes with interest that the publications machinery of UNESCO has recently been

strengthened by the establishment of a Reading Committee charged with the duty of appraising material submitted for publication by outside authors and, where necessary, editing, condensing or even rejecting manuscripts. The Advisory Committee commends this procedure for controlling the volume and improving the quality of publications, and suggests that it might be considered by other international organizations.

18. Mention should also be made of experiments now in progress in the secretariat of UNESCO with a view to increasing the output of the Translation Sections and reducing the number of posts in the Composition Workshop (Typing pool). Translator/Précis-Writers are encouraged to type their own translations, and concurrently dictating equipment is being provided for general use both in the Translation Sections and in the Composition Workshop.

19. *International Civil Aviation Organization :*

	1953 Appropriations Dollars *	1954 Appropriations Dollars *
Personal services	2,555,012	2,575,865
General services	698,372	656,801
Special projects and activities ..	—	—
Other budgetary provisions	6,000	(32,666)
TOTAL (GROSS)	3,259,384	3,200,000
<i>Less</i> : Casual revenue	442,217	469,690
TOTAL (NET)	2,817,167	2,730,310

* Canadian dollar at par with US dollar.

20. The decrease of over \$59,000 (gross) in the 1954 appropriation is mainly due to the reduced provision for the eighth session of the ICAO Assembly, a limited session which will deal only with budgetary and administrative matters. The respective figures for the seventh and eighth sessions are \$95,000 and \$7,000, the former figure reflecting the additional cost not only of a full-scale session but of such a session held away from headquarters. As in previous years, separate provision is not made for the virtually continuous sessions of the Council, as the services required for the purpose are treated as administrative expenses of the secretariat.

21. As may be seen in the comparative table on page 2, ICAO has reached the stage of a relatively stabilized budget, mainly as the result of an administrative survey undertaken during 1951, and despite the fact that much of its work relates to a complex field which is subject to constant development and change.

22. This achievement has also been facilitated by the review undertaken annually by the Secretary-General of ICAO for the purpose of determining the stress to be laid on the various phases of the activities of ICAO. Priorities consistent with the directives of the Economic and Social Council are applied to technical projects, to activities in respect of air transport and related matters, as well as to the constitutional and legal questions entrusted to ICAO.

23. At the same time, certain technical projects forming the object of special agreements concluded by the organization are necessarily carried out on a continuing basis.

24. The Advisory Committee is also favourably impressed by the budget presentation and the report of the ICAO Council on the 1952 activities, both documents being clear and concise.

25. *Universal Postal Union :*

	1953 Appropriations Dollars (US)	1954 Appropriations Dollars (US)
Personal services	174,628	217,585
General services	157,160	229,792
Special projects and activities ..	126,559	50,808
Other budgetary provisions	—	—
TOTAL (GROSS)	458,347	498,185
Less: Casual revenue	19,746	19,861
TOTAL (NET)	438,601	478,324

26. The increase of almost \$40,000 in the gross estimate for 1954 is due in part to the higher cost of meetings in that year (1954: \$51,270; 1953: \$32,880), to increases in salary and common staff costs and in part to a sharp rise in contractual and other services, from \$116,000 to \$189,000, due mainly to the item for printing, which is estimated for 1954 at \$62,000 more than in 1953. Much of the cost of the latter item is connected with the printing of the *Journal Union postale*. For the year 1952, free subscriptions or those entered on an exchange basis numbered 1,118 (including 918 subscriptions to which postal administrations are entitled on a free basis under the 1947 Convention) as compared with 2,012 paid subscriptions. Revenue from paid circulation and from advertisements has hitherto fallen short of printing costs by some \$20,000 annually, and this deficit is likely to stand higher in future with the addition of a seventh language, German, to those already used in the *Journal*.

27. The new UPU building has now been completed. That part which accommodates the services of the International Bureau and the annex housing the post office of the Swiss Administration have been in use since November 1952. In view of the fact that UPU is not permitted under Swiss law to own property, the construction costs were financed by the Pensions Fund of the organization which, at 31 December 1952, held an investment in the new property of Swiss francs 917,846 (\$214,450), bearing interest at 3 per cent.

28. *World Health Organization :*

	1953 Appropriations Dollars (US)	1954 Appropriations Dollars (US)
Personal services	4,782,267	4,995,495
General services	2,471,363	2,314,772
Special projects and activities ..	1,231,465	1,187,433
Other budgetary provisions	—	—
TOTAL (GROSS)	8,485,095 *	8,497,700 *
Less: Casual revenue	852,554	875,000
TOTAL (NET)	7,632,541	7,622,700

* This figure represents the "effective working budget" or the amount approved for actual expenditure. It is exclusive of an undistributed reserve (1953: \$1,347,659; 1954: \$1,340,300) comprising the assessments against "inactive" members.

29. The effective working budget of WHO shows only a slight increase (\$12,605) as compared with the 1953 appropriation, a rise in the number of established posts (1953: 788; 1954: 807) being accompanied by decreases in various other accounts, notably in printing and most items of travel.

30. As in the case of other agencies, the Advisory Committee has inquired into the extent to which the criteria followed by WHO in determining the relative priority of projects are those laid down by the Economic and Social Council or other criteria developed by the

organization itself. Projects relating to the extension and strengthening of public health services and the control of epidemics are placed in the high-priority category in accordance with the Council's directives. Educational and training projects have also been included in that category because of the growing need in many regions for qualified personnel, together with projects for the prevention and control of such diseases as malaria, yaws, syphilis and tuberculosis. Regional Directors and Committees have received explicit instructions to concentrate their efforts on projects of high priority.

31. While the final responsibility for appraising the continuing need for a given project rests with the Director-General, he has, in view of the decentralized organization of WHO, delegated to the Regional Directors the continuing responsibility for implementing and appraising projects, subject to any general or specific directives of the Executive Board and the Health Assembly and to any instructions he has issued.

32. By a resolution dated 2 June 1952 the Executive Board of WHO took the following decisions:

(1) To establish the whole Board as the Standing Committee on Administration and Finance, to adopt in the name of the Board any recommendations, resolutions or reports without having to refer its finding to the Executive Board as such;

(2) To follow the procedure established by resolution EB9.R28 in setting up any necessary sub-committees or working parties for the study of technical, administrative and budgetary questions which are of a particularly complex nature, requiring detailed examination.

33. The Advisory Committee is not in a position to know whether the assumption by the full Board (composed of eighteen persons serving in their personal capacities) of the functions previously exercised by a Standing Committee on Administration and Finance composed of a limited number of its members will produce as strict a control in financial and budgetary matters.

34. Note may also be taken of a resolution adopted by the sixth World Health Assembly, on a report of the Director-General concerning arrears of contributions, which provides that "if a member is in arrears in the payment of its financial contributions to the organization in an amount which equals or exceeds the amount of the contributions due from it for the preceding two full years at the time of the convening of the World Health Assembly in 1955, the Assembly may consider, in accordance with article 7 of the Constitution, whether or not the right of vote shall be granted to such a member".

35. *International Telecommunication Union :*

	1953 Appropriations Dollars (US)	1954 Appropriations Dollars (US)
Personal services	1,181,305	1,150,207
General services	300,057	255,058
Special projects and activities ..	—	—
Other budgetary provisions	76,318	73,397
TOTAL (GROSS)	1,557,680	1,478,662
Less: Casual revenue	171,458	167,807
TOTAL (NET)	1,386,222	1,310,855

36. The 1954 appropriation for ITU shows a gross decrease of about \$79,000 as compared with 1953. The Plenipotentiary Conference of the Union, which met at Buenos Aires during November-December 1952, established ceilings on ordinary expenditure for the period 1954 to 1958, and these are expected to lead to a stabilized budget over the next five years.

37. In its 1952 report on agency budgets,² the Advisory Committee commented on the question of a permanent headquarters building and on the alternative possibilities that were before the 1952 Plenipotentiary Conference, namely (a) a new building in the Place des Nations; (b) continued occupation of the temporary headquarters in the Palais Wilson; and (c) accommodation within the precincts of the Palais des Nations.

38. The latest position as reported to the Advisory Committee is that the Administrative Council has decided not to take up the cantonal authorities' offer to construct and rent to ITU office accommodation on the Place des Nations. The Administrative Council's decision was approved by the Plenipotentiary Conference at Buenos Aires, which authorized the Council to pay 60,000 Swiss francs as additional annual rent for the Union's present headquarters in the Palais Wilson, on the understanding that the cantonal authorities would make a larger number of offices available for its use in that building and allow it to use conference rooms in the adjoining Maison des Congrès at low rent. Negotiations between the Administrative Council and the cantonal authorities are still proceeding.

39. The Advisory Committee has also inquired into the position of ITU as regards the United Nations Joint Staff Pension Fund, which comprises as members, in addition to the United Nations, six of the eight agencies whose budgets are reviewed in the present report (ILO, FAO, UNESCO, ICAO, WHO, WMO). The Secretary-General of the Union informed the Committee that it was, in his opinion, inadvisable to bring the ITU staff within the joint scheme. Two pension schemes are in force in ITU: the one, covering the staff taken over from the Berne Union, differs fundamentally from the United Nations scheme; the other, though similar in nature to the latter scheme, is based on a retiring age of sixty-five years, and therefore costs 20 per cent of salary as compared with 21 per cent under the joint scheme. The Advisory Committee understands that, with a retiring age of sixty-five years, the United Nations pension scheme would cost considerably less than 20 per cent of salary. On that ground it suggests that ITU may wish to discuss with the United Nations Joint Staff Pension Board ways and means whereby problems created by difference in retirement ages may be reflected in the Joint Staff Pension Scheme.

42. The decrease of \$78,431 in the gross appropriation for 1954 is due to the decision to hold the Second Congress in 1955 instead of in 1954 as well as to certain limitations in the programme with a resultant decrease in temporary assistance.

43. The Advisory Committee has referred in earlier reports to the question of the permanent headquarters of WMO. Specifically, the Committee urged in 1952 that further efforts should be made to accommodate this organization within the premises of the Palais des Nations, an arrangement which would facilitate the co-ordination of services and produce economy. On the basis of its recent inspection of the European Office and of the standard of office accommodation, the Committee is satisfied that sufficient space could be made available for the staff of WMO, without large-scale alterations to the structure. It was also suggested in 1952 that, as a possible alternative, the property known as "Le Bocage", which adjoins the Palais and which will shortly come into the possession of the United Nations, might be converted into the permanent headquarters of WMO.

44. Neither alternative has met with the approval of the Executive Committee of WMO, which envisages the construction of a modern building for the secretariat. Accordingly, negotiations were resumed during 1953 with the cantonal authorities regarding the possible construction of a building attached to the projected *Centre international* at the Place des Nations. The Advisory Committee is informed that WMO has not yet entered into any commitment of a financial nature; nor has the precise cost of the scheme under consideration been established. The Executive Committee has, however, stipulated that the cost of the building shall be such that the rent payable by WMO shall not exceed 50,000 Swiss francs (\$11,680).

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PROBLEMS OF ADMINISTRATIVE AND FINANCIAL CO-ORDINATION

45. During October 1953, the Advisory Committee had the opportunity of an exchange of views with the Administrative Committee on Co-ordination on a number of questions that have engaged the attention of both Committees. These questions included the review of audit procedures; problems of documentation; telecommunication facilities (with particular reference to the decisions taken during 1952 by the Plenipotentiary Conference of ITU); and the co-ordination of services among the United Nations and the specialized agencies. These and other matters considered at the meeting with ACC are dealt with in the present report or in separate reports submitted to the General Assembly or to the Economic and Social Council.

46. In addition, the Advisory Committee gave close attention to the thirteenth report of ACC,³ which was transmitted by the Secretary-General in accordance with General Assembly resolution 533 A (VI) of 4 February 1952. The Advisory Committee took note with appreciation of the observations in part II of that report regarding administrative and financial matters, which point to a substantial identity of views between the two Committees.

ADMINISTRATION OF TECHNICAL ASSISTANCE ACTIVITIES

47. The following table shows the amounts obligated during 1952 in respect of technical assistance programmes of the United Nations and the specialized agencies:

40. *World Meteorological Organization:*

	1953 Appropriations Dollars (US)	1954 Appropriations Dollars (US)
Personal services	181,027	202,517
General services	145,605	90,395
Special projects and activities ..	91,500	65,500
Other budgetary provisions	23,299	4,588
TOTAL (GROSS)	441,431	363,000
Less: Casual revenue	15,000	4,500
TOTAL (NET)	426,431	358,500

41. As in the case of ITU, WMO operates under a statutory budget ceiling for ordinary expenditures. The First Congress of WMO in 1951 fixed the maximum expenditures that might be incurred by the organization for the first financial period (4 April 1951 to 31 December 1955) at \$1,273,000, delegating to the Executive Committee authority to approve annual expenditures within this limit.

² See Official Records of the General Assembly, Seventh Session, Annexes, agenda item 26 (a), document A/2287.

³ See Official Records of the Economic and Social Council, Sixteenth Session, Annexes, agenda item 30 (a), document E/2446 and Corr.1.

	A	B			
		Central administrative and indirect operational costs			
	Project costs Dollars (US)	Central administrative Dollars (US)	Indirect operational Dollars (US)	Other Dollars (US)	Total Dollars (US)
United Nations	5,845,866	441,907	766,161		1,208,068
International Labour Organisation	1,616,444	100,424	158,693	892	260,009
Food and Agriculture Organization	4,751,078	539,838	914,651	(26,239)	1,428,250
United Nations Educational, Scientific and Cultural Organization	3,088,721		448,040	5,681	453,721
International Civil Aviation Organization ..	826,407	84,216	30,919		115,135
World Health Organization	3,816,030	287,391	250,549	(2,281)	535,659
TOTAL	19,944,546				4,000,842

48. The Advisory Committee has studied, during the past two years, the problems connected with the administration of the technical assistance activities in the United Nations and the specialized agencies. The Committee has a statutory obligation, under General Assembly resolution 594 (VI) of 4 February 1952, to examine the administrative part of the technical assistance programme executed by the United Nations. It is also required, by General Assembly resolution 519 A (VI) of 12 January 1952, to review the audit reports relating to expenditure by the specialized agencies of technical assistance funds allocated from the Special Account. Furthermore, the General Assembly, on the recommendation of the Second Committee, adopted, on 23 October 1953, its resolution 722 (VIII) in which, *inter alia*, it requested the Advisory Committee to review as soon as possible the administrative procedures of the Technical Assistance Board and those of the participating organizations, as well as their administrative expenditures so far as those were financed from the Special Account. The Committee has repeatedly recommended that the expenses of TAB should be brought under legislative review, together with the technical assistance expenses of those agencies in which such a review either is not made or is not of an exhaustive character. The resolution of the General Assembly is accordingly construed as the first step towards this objective.

49. Among the principal questions that have engaged the attention of the Advisory Committee, the question of determining a suitable ratio of administrative costs (central administrative and indirect operational costs) to direct country project expenditures is one which—as appears from the above table—also arises. It appears to the Committee that the high proportion of such administrative costs may be due (among other reasons) to the provision of central establishments geared to a programme much larger than has so far materialized. Where the so-called indirect operational costs are concerned, these tend to cover an increasing number of substantive activities not directly attributable to any single country project. The matter is the more pressing since, on any reduction in allocations, the proportion of such costs will rise. The Advisory Committee is aware that this question, and the dependent question of achieving comparability of expenditures among the participating organizations, are matters of concern to the executive heads of the agencies concerned, who have also devoted much attention to the related problems of the functions of resident representatives of TAB and the administrative economies that may be expected from a fuller use of common services by the participating agencies. It is nevertheless the opinion of the Committee that the strongest possible measures must be taken to bring down the administrative costs of the programme.

50. Many of the above matters will form a part of the review which the Advisory Committee, as directed

by the General Assembly, will undertake at the earliest opportunity. Independently, however, of the advantages that may result from such a review, the Committee emphasizes the need for the legislative organs of the various agencies to take a more active part in formulating the technical assistance programmes and in approving specific projects.

ARREARS OF CONTRIBUTIONS

51. The following table shows the improved status of collection of contributions as at 31 August, respectively in 1952 and 1953, together with the percentage of the current year's contribution collected at the same date:

	Total of contributions outstanding at 31 August		Percentage of current year's contribution collected at 31 August	
	1952 Dollars (US)	1953 Dollars (US)	1952	1953
United Nations.	18,701,947	14,776,331	67.98	77.42
ILO	2,636,624	2,436,381	76.80	81.61
FAO	2,875,421	2,666,157	76.17	81.63
UNESCO	9,107,459	6,860,228	33.57	65.43
ICAO	1,720,165	1,647,515	75.22	83.87
UPU	101,671	109,312	68.70	74.02
WHO	7,078,579 *	8,048,433 *	66.55	70.78
ITU	1,234,451	921,490	81.44	80.20
WMO	114,600	90,415	67.02	78.86

* Includes assessments against "inactive" members, which assessments are shown in the appropriations as "undistributed reserve". The amount of unpaid assessments against "active" members was \$1,608,654 at 31 August 1952 and \$1,281,638 at 31 August 1953, representing respectively 21.21 per cent and 16.78 per cent of total assessments against such members.

WORKING CAPITAL FUND

52. The amounts approved for the Working Capital Fund in the various agencies are shown in the following table:

	1954 Gross budget Dollars (US)	Working Capital Fund Dollars (US)	Percentage of 1954 gross budget
ILO	6,643,887	2,250,000 *	33.87
FAO	6,040,000 *	1,750,000	28.97
UNESCO	8,834,662	3,000,000	33.96
WHO	8,497,700 *	3,381,586 *	39.79
ICAC	3,200,000	1,009,714	31.69

* Target amount for the new Working Capital Fund formed by amalgamation of previous Working Capital and Reserve Funds.

* Estimates.
* Effective working budget (exclusive of undistributed reserve).

* This figure will be increased by the extent of the assessments made on members joining after 30 April 1953. It includes the unpaid assessments against "inactive" members and the amount of \$300,000 reserved in the Working Capital Fund available for use by the Executive Board as the Special Fund required by Article 58 of the WHO Constitution.

The Working Capital Fund of WMO is subject to a maximum limit of 10 per cent of the General Fund expenditure estimates. The International Telecommunication Union and the Universal Postal Union do not have Working Capital Funds, their expenditures, pending receipt of contributions, being financed by advances from the Swiss Government.

ESTABLISHED POSTS AND TEMPORARY ASSISTANCE

53. The number of established posts authorized for the three years 1952, 1953 and 1954 is as follows:

	Total 1952	Total 1953	Total 1954
ILO	742	742	766
FAO	841	822	897
UNESCO	862	834	839
ICAO	424	424	424
UPU	17	30	30
WHO	745	788	807
ITU	189	190	192
WMO	30	33	34
Sub-total (specialized agencies) ...	3,850	3,863	3,989
United Nations	4,062	4,095	4,099
TOTAL	7,912	7,958	8,088

54. The amounts proposed or approved for 1954 in respect of temporary assistance in the United Nations and agency budgets show an increase of approximately \$56,000 by comparison with 1953. The Advisory Committee recognizes that since temporary staff is engaged for a wide variety of purposes, it is not possible to lay down rigid rules to govern the use of temporary assistance funds. Thus, the greater part of the over-all 1954 increase is attributable to the UNESCO budget, which shows an increase under this heading of \$113,000, mainly because of the holding of the 1954 General Conference away from its headquarters. Allowing, however, for this and other similar factors, the Committee considers that there is scope for a reduction in the total figure of \$1,348,000 (including \$865,000 proposed in respect of the United Nations). Specifically, it has recommended in earlier reports that temporary assistance should not be used for such purposes as the replacement of staff members on annual or home leave or for the filling of posts that have been disallowed on the established posts manning-table. More generally, the Committee considers that the volume of expenditure for this item is closely correlated to the degree to which versatility is developed among the staff members, and it notes that this problem has not been regarded as of uniform importance in all organizations. As a subsidiary part of the problem, consideration might, in the Committee's opinion, be given to the possibility (already explored in certain agencies) of assigning substantive staff, after suitable training, to conference work and, in particular, to translating and précis-writing.

55. The Committee also urges that the practice of making interagency loans of staff should be encouraged and developed. It has frequently been argued before the Committee that staff is not available for such a purpose at any time and that the current work-load represents an insurmountable obstacle. This negative attitude might be justified if, as is not the case, no fluctuation occurred in the volume or urgency of work and the pressure were steady and continuous. In fact, however, the distribution of the calendar of conferences, both of the United Nations and of the specialized agencies, implies a concurrent distribution of the heavier preparatory work-load to which such conferences give rise. In certain fields satisfactory arrangements are in force: at Geneva, for example, in respect of interagency loans of language staffs.

But where substantive work is concerned, it seems necessary to emphasize that the pursuit of common aims should also be reflected in administrative practice and that, even at the risk of some inconvenience, there should be a willingness to adopt working arrangements that make for economy and efficiency. As an extension of the practice of interagency staff loans, consideration might also be given to a much fuller use of the wide variety of skills and experience that is available within the family of United Nations organizations whenever proposals are made for the appointment of expert groups. The Committee suggests that, with careful preliminary planning in this sense, the engagement of outside experts may often be avoided.

BUDGET PRESENTATION

56. The Advisory Committee has dealt in earlier reports with the desirability of achieving a reasonable degree of uniformity in the presentation and format of budgets among the United Nations and the specialized agencies.

57. While the standard summary by objects of expenditure included in Information annex II to the budget estimates of the United Nations is a useful adjunct in comparing agency budgets, it is not by itself a complete statement: wide discrepancies in the expenditure of agencies for particular items can be understood only by reference to other agency documents.

58. Furthermore, certain of the budget documents are unnecessarily bulky, entailing heavy printing and distribution costs. This applies equally to the programme statements where these are presented separately. In other instances, detailed estimates for the Expanded Programme of Technical Assistance that are included in the budget document may be rendered largely useless upon a revision of the Programme. As regards the annual reports submitted by the specialized agencies, the Economic and Social Council at its sixteenth session took action, in view of the desire expressed by certain members for the compression of these reports, to reduce the list of matters on which detailed information was specifically requested. In addition, the Council requested the Administrative Committee on Co-ordination to review all aspects of this problem, including the question of the frequency and length of the report.

59. Although many of the practices in respect of the presentation of budget and programme statement result from specific instructions of conferences or governing bodies of the agencies, it is the clear duty of a secretariat, whenever a large economy can be made, to lay before the legislative body alternative procedures, and never more appropriately than when methods for controlling documentation are under consideration. The Advisory Committee is convinced that a serious effort by the various secretariats might produce the desired result. A certain basic presentation could be developed, to which would be added, where necessary and as requested by legislative bodies, additional informative material in the form of annexes.

DOCUMENTATION AND PRINTING

60. The total printing expenditure of the United Nations and the specialized agencies as proposed for 1954 (\$2,964,865) shows a slight decrease by comparison with the 1953 appropriations. The Advisory Committee nevertheless urges that the legislative bodies of the specialized agencies should give special attention to the problem of documentation, the volume of which cannot be judged on the figures for contractual printing alone.

61. In its report on the 1954 budget estimates of the United Nations, the Advisory Committee stressed the need for a stricter editorial control of United Nations publications. It is clear from what is said in previous paragraphs of the present report that a similar consideration applies to certain of the specialized agencies. The problem of controlling the volume and improving the quality of documentation merits urgent study on the part of Member States and the competent officials of the various secretariats. One among other possible solutions is referred to in paragraph 17 above.

62. The measures which the Advisory Committee has recommended for dealing with this problem are based in the first place on the principle that, inasmuch as an excess of documentation (with all that such an excess entails) is harmful to the prestige of an organization, remedial action is a common interest of delegations and secretariat alike and should take the form of a single, joint endeavour as regards the quality and quantity of documents. Where a project is likely to lead to extensive documentation, delegations are in a position to call for detailed estimates of the financial implications, to consider the cost in relation to total commitments and accordingly to adopt or modify or defer the project. For its part, the secretariat, apart from its obligation in respect of the estimates, should establish appropriate machinery for the closest co-operation between the substantive staff engaged on the project, on the one hand, and the editorial and technical (documents) staff, on the other, so that questions relating to size, format, contents etc. may be the subject of exhaustive advance consideration. Such a pre-audit would obviate situations in which extensive work is at times undertaken without the certainty of ultimate publication, or in which the

⁴ See *Official Records of the General Assembly, Eighth Session, Supplement No. 7*, paras. 14 to 30.

editorial function is exercised at so late a stage that any except superficial emendations are virtually impossible. Evidence given to the Committee indicates that although attempts are already made to set a limit on the length of projected reports, the limit is in fact adhered to only in exceptional cases. This fact lends weight to the suggestions made in the Committee on financial and other grounds.

FREQUENCY OF CONFERENCES

63. By resolution 210 (III) of 18 November 1948, the General Assembly requested the specialized agencies to consider whether the holding of full-scale annual conference was necessary. The present position is as follows :

Agency	Interval between regular sessions of the legislative body
ILO	One year
FAO	Two years
UNESCO	Two years
ICAO	One year*
WHO	One year*
ITU	Five years
UPU	Five years
WMO	Four years

* In June 1950, the ICAO Assembly resolved to hold "major" sessions once in three years and "limited" sessions in the intervening years to deal with budgetary and administrative matters. The question of a triennial system has now been referred to member States for their consideration.

^b While the third World Health Assembly approved, in principle, the holding of biennial assemblies, the proposed amendments to the Constitution to this effect were considered by the sixth World Health Assembly which, in resolution WHA6.57, decided: "not to accept the proposed amendments to the Constitution for the time being, and to consider the matter again at a future Health Assembly".

DOCUMENT A/2619

Report of the Fifth Committee

[Original text : English]
[8 December 1953]

1. The General Assembly, at its 435th meeting on 17 September 1953, decided to include in the agenda of its eighth session the following item: "Administrative and budgetary co-ordination between the United Nations and the specialized agencies: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions". The Assembly further decided to refer the item to the Fifth Committee for consideration.

2. As a basis for its review, the Fifth Committee had before it, at its 425th meeting, the twenty-sixth report of the Advisory Committee on Administrative and Budgetary Questions to the General Assembly at its eighth session (A/2582) and the Information annex II to the budget estimates for the financial year 1954 (A/2383/Add.1).

3. The Chairman of the Advisory Committee, in introducing his Committee's report, made it clear that no attempt had been made to present a detailed or exhaustive analysis of agency budgets or budget estimates for 1954. These had been or would be examined by the competent bodies in each of the specialized agencies and, where

appropriations had already been voted, there existed a record of the deliberations of the appropriate General Conference or Assembly together with other pertinent material.

4. The Committee examined the comparative table of the budgets or budget estimates of the specialized agencies and of the United Nations, set out in the Advisory Committee's report (see page 2 above). While the figures in that table, as they related to the financial year 1954, were still to a certain degree tentative, the comparative figures nevertheless pointed to an upward trend; the observations made by the Advisory Committee in paragraphs 4 to 7 of its report were noted as having particular relevance to this fact.

5. It was further recalled that, at frequent stages during the discussion of the 1954 budget estimates of the United Nations, and notably when the special report of the Advisory Committee on the European Office^b was under discussion at the 397th meeting, the Fifth Committee had

^b *Ibid.*, Annexes, agenda item 39, document A/2501.

availed itself of the opportunity to give its views upon a number of factors bearing upon the question of administrative co-ordination between the United Nations and the specialized agencies.

6. The Committee's attention was specifically drawn by the Chairman of the Advisory Committee to the observations of that Committee on the questions of budget presentation and documentation and printing set out in paragraphs 56 to 62 of the report.

7. The Fifth Committee was informed that pursuant to resolution 722 (VIII), which the General Assembly had adopted on 23 October 1953 on the recommendation of the Second Committee, the Advisory Committee would conduct during its first session in 1954 a review of the administrative expenditures of the Technical Assistance Board and of the participating organizations financed from the Special Account and also of their administrative procedures.

Recommendation of the Fifth Committee

8. In the light of its review of the report of the Advisory Committee, the Fifth Committee took note of the observations and recommendations contained in that report and, accordingly, recommends the adoption by the General Assembly of the following draft resolution :

Draft resolution

ADMINISTRATIVE AND BUDGETARY CO-ORDINATION
BETWEEN THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

The General Assembly

1. Takes note of the report of the Advisory Committee on Administrative and Budgetary Questions dealing with the administrative budgets of the specialized agencies for 1954 (A/2582) ;

2. Invites the attention of the specialized agencies to the recommendations and suggestions made in the Advisory Committee's report.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted the draft resolution submitted by the Fifth Committee (see above). For the final text see resolution 779 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2383/Add.1	Information annex II to budget estimates for the financial year 1954		Official Records of the General Assembly, Eighth Session, Supplement No. 5 A
A/2582	Twenty-sixth report of the Advisory Committee on Administrative and Budgetary Questions: administrative budgets of the specialized agencies for 1954	1	
A/2619	Report of the Fifth Committee	8	
A/RESOLUTION/188	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Ibid., Supplement No. 17, resolution 779 (VIII)

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ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 46: Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account

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DOCUMENT A/2545

Fourteenth report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[6 November 1953]

1. The Secretary-General has submitted, in document A/C.5/546, the audit reports for the year ended 31 December 1952 relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account, to which voluntary contributions to the Expanded Programme of Technical Assistance are credited.

2. These reports, together with the detailed supporting schedules, have been examined by the Advisory Committee on Administrative and Budgetary Questions in accordance with General Assembly resolution 519 A (VI) of 12 January 1952, which provides as follows:

Paragraph 7 :

[The General Assembly]

"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."

3. With one exception, the audit reports now under review have been approved by the general conference (or equivalent authority) of the agency concerned. In the case of the Food and Agriculture Organization, the audit reports covering both the first period (inception of the Expanded Programme to 31 December 1951) and the second period (financial year 1952) will be considered by the conference in November 1953. It follows that the condition laid down in the resolution in respect of prior approval of the reports by the general conferences has exceptionally not been fulfilled. Therefore the comments of the Advisory Committee that appear in the following paragraphs are offered with the necessary reserve. Strict adherence to the letter of the resolution would, however, produce an excessive delay; audit reports relating to the years 1950, 1951 and 1952 would be reviewed by the Committee during 1954, with a corresponding deferment of General Assembly consideration until the ninth session, some four years after certain of the audited transactions had been effected.

STATUS OF ALLOCATIONS AT 31 DECEMBER 1952

4. The combined statement included in the Secretary-General's report (A/C.5/546, page 3) shows that the excess of allocations over obligations incurred to year-end 1952 (including the United Nations accounts) amounted to \$1,466,989, including an excess of \$861,720 in the case of

the International Labour Organisation, and of \$645,544 in that of the World Health Organization. It should, however, be noted (a) that in making the 1952 allocations the Technical Assistance Board stipulated that any balance of funds allocated from the Retained Contributions Account which was not obligated by 1 January 1953 would revert to that account; and (b) that the participating organizations subsequently undertook that all unobligated funds at their disposal at year-end 1952 (whether balances on automatic allocations or on allocations from the Retained Contributions Account) would be surrendered for redistribution in accordance with the allocations under the 1953 programme.

5. A contrary situation arose as regards the 1952 accounts of the United Nations Educational, Scientific and Cultural Organization. These show that the excess of obligations at 31 December 1952 amounted to \$215,941 (A/C.5/546, annex 3, page 3). The Advisory Committee is informed that the balance of funds earmarked during March and April 1952 for UNESCO in the Retained Contributions Account was sufficient to cover the above deficit and would have been released on application prior to the year-end closing of accounts. Such a request on the part of UNESCO would have obviated the technical infringement of article 12 of the Finance Manual of the Technical Assistance Board.

FOOD AND AGRICULTURE ORGANIZATION

6. The Advisory Committee draws special attention to two points in the report of the external auditor of the Food and Agriculture Organization which raise issues of importance. First, the auditor questions an amount of approximately \$125,000 recorded as an obligation at 31 December 1952 in respect of certain fellowships (A/C.5/546, annex 2, page 4, paragraph 3). The Advisory Committee understands that, had this obligation been omitted from the 1952 accounts (in accordance with the definition of obligations adopted by the Technical Assistance Board in respect of fellowships), the amount available for redistribution during 1953 among participating organizations (including FAO) would have been correspondingly increased. Consequently, not only is the authority of the Technical Assistance Board involved, but also the interest of other agencies participating in the Expanded Programme.

7. The former consideration also applies to the second point raised by the auditor (A/C.5/546, annex 2, page 6, paragraph 5), which concerns the introduction by FAO of a rate of subsistence allowance in Thailand in excess

of that authorized by TAB. While this situation has now been corrected, the Advisory Committee notes that, from 1 August to 14 December 1952, FAO did not find it possible to comply with the rate expressly approved by the Board.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

8. The external auditor of the International Civil Aviation Organization calls attention to the fact that participating organizations have not yet agreed upon a policy to govern pension scheme obligations (if any) towards technical assistance personnel. The Advisory Committee is informed that, under the revised conditions of service which TAB will introduce with effect from 1 January 1954, the technical position will be as follows:

(a) Regular staff members of participating organizations on being detailed, seconded, or transferred to posts financed from the Special Account will retain such rights and benefits as are determined by the organization;

(b) Personnel appointed for one year or more to continuing posts in projects will receive appointments governed by the basic conditions of service applied to regular members of the staff (including eligibility for admission to the Pension Fund). No other project personnel will receive a similar entitlement.

9. The above revised rule appears to afford only a partial solution. "Continuing posts" are normally posts that are expected to continue for at least five years, and some difficulty may therefore be encountered in according, on the basis of such a criterion, uniform and equitable treatment to project personnel in the matter of admission to the Pension Fund. More generally, the Advisory Committee also takes under consideration the fact that the Expanded Programme is financed by voluntary contributions which hitherto have normally been pledged for only one year, and that it is important, in view of this circumstance, that participating organizations should be enabled to make a reasonably close estimate of such contingent liabilities.

10. In examining the audit reports, the Advisory Committee has taken account of the fact that TAB was reorganized in the middle of the year 1952 and that the newly appointed Executive Chairman exercised the duties of his office during only the last five months of that year. The Advisory Committee trusts that, with this reorganization, certain deviations from established policy and other weaknesses referred to in the 1952 reports will have been eliminated during 1953.

DOCUMENT A/2567

Report of the Fifth Committee

[Original text: English]
[23 November 1953]

1. In resolution 519 A (VI) adopted on 12 January 1952, the General Assembly "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. Pursuant to this resolution, the Secretary-General, under cover of a note dated 7 October 1953 (A/C.5/546), transmitted to the General Assembly the audit reports which had been submitted by the specialized agencies participating in the Expanded Programme of Technical Assistance. These reports comprised, for each agency, a financial statement showing the status of its allocations, in the form prescribed by the Technical Assistance Board, accompanied by the certificate of the external auditors and, where applicable, by such further comments on technical assistance matters as the auditors had included in their reports to the general conference or equivalent authority of the agency concerned. The Secretary-

General's note was also accompanied by a combined financial statement showing the status of allocations to the participating organizations under the Expanded Programme as of 31 December 1952 and summarizing the separate audited financial statements submitted by the agencies, as well as similar information regarding the transactions of the United Nations under the same Programme.

3. These various statements, and the observations thereon presented by the Advisory Committee on Administrative and Budgetary Questions in its fourteenth report to the eighth session of the General Assembly (A/2545), were considered by the Fifth Committee at its 405th meeting on 16 November 1953.

4. The Fifth Committee was informed that, with the exception of those reports relating to the accounts of the Food and Agriculture Organization, the audit reports in question had been approved by the general conference or by such other authorities of the agencies concerned as were constitutionally authorized to approve them. In the case of FAO, the audit report would be submitted to the next session of the conference, to convene in November 1953.

5. The question was raised whether, in principle, the General Assembly could properly take action until all reports had been considered and approved by the governing bodies of the agencies concerned. It was recognized, however, that, as pointed out by the Advisory Committee, strict adherence to the letter of resolution 519 A (VI) would produce an unreasonable delay, with the possibility that General Assembly consideration might have to be deferred until some four years after certain of the audited transactions had been effected. It was accordingly agreed that the intent of the General Assembly would be appropriately met if note were taken of the reports, including that relating to the expenditures of FAO.

6. In connexion with the accounts of FAO, special attention was drawn to the fact that the external auditor had questioned an amount of approximately \$125,000 recorded as an obligation at 31 December 1952 in respect of certain fellowships. It was understood that had this obligation been omitted from the 1952 accounts (in accordance with the definition of obligations adopted by the

Technical Assistance Board in respect of fellowships), the amount available for redistribution during 1953 among participating organizations (including FAO) would have been correspondingly increased. Consequently, not only was the authority of TAB involved, but also the interest of other agencies participating in the Expanded Programme.

7. Referring to the comments of the Advisory Committee, in paragraphs 8 and 9 of its report (A/2545), regarding entitlement of project personnel to pension rights under the Joint Staff Pension Fund, the representative of Australia enquired as to what would be the effect of the decision of TAB to introduce, as from 1 January 1954, revised conditions of service under which project personnel appointed for one year or more to continuing posts (i.e., posts normally expected to continue for at least five years) would receive appointments governed by the basic conditions of service applied to regular staff members, including eligibility for admission to the Pension Fund. He suggested that the admission as participants in the Fund of any considerable number of such personnel might conceivably have actuarial implications with respect to which the Joint Staff Pension Board should perhaps be consulted.

Recommendation of the Fifth Committee

8. Following replies by the representative of the Secretary-General to a number of points on which clarification had been sought, the Fifth Committee decided, without objection, to recommend to the General Assembly the adoption of the following draft resolution :

AUDIT REPORTS RELATING TO EXPENDITURE
BY SPECIALIZED AGENCIES OF TECHNICAL ASSISTANCE
FUNDS ALLOCATED FROM THE SPECIAL ACCOUNT

The General Assembly

Takes note 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 1952 (A/C.5/546), and of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions (A/2545).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text, see resolution 769 (VIII).

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A/2545	Fourteenth report of the Advisory Committee on Administrative and Budgetary Questions	1	
A/2567	Report of the Fifth Committee	2	
A/C.5/546	Note of the Secretary-General transmitting the financial statements of the specialized agencies with the audit reports		Mimeographed document only
A/RESOLUTION/138	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 769 (VIII)
E/2433	Fifth Report of the Technical Assistance Board to the Technical Assistance Committee		Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 10

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EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 47: United Nations Joint Staff Pension Fund :

- (a) Annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952 ;
- (b) Acceptance by the specialized agencies of the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations: report of the Secretary-General ;
- (c) Amendments to the regulations for the United Nations Joint Staff Pension Fund: report of the United Nations Joint Staff Pension Board

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(a) Annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952

DOCUMENT A/2564

Report of the Fifth Committee

[Original text: English]
[23 November 1953]

1. Article XXXV of the Regulations of the United Nations Joint Staff Pension Fund as adopted by the General Assembly under resolution 680 (VII) of 21 December 1952, requires that the Joint Staff Pension Board shall present annually to the General Assembly a report, including a balance-sheet, on the operation of those regulations and that the Secretary-General shall inform each member organization of any action taken by the General Assembly on the Board's report.

2. The annual report of the Joint Staff Pension Board for the year ended 31 December 1952 (A/2421) was considered by the Fifth Committee at its 379th meeting, on 30 September 1953. Note was taken of the fact that, with the admission of the World Meteorological Organization, the Fund, as at 31 December 1952, was composed of 7 member organizations and 8,165 active participants. Certain observations and suggestions relative to the Fund's portfolio of investments were offered by the representative of Argentina, who also expressed the hope that consideration would be given to the possibility of

including in the next annual report of the Board additional data concerning the Fund's investments.

3. Following appreciative references to the work of the Board and to the sound management of the funds entrusted to it, it was decided, without objection, that note should be taken of its report.

Recommendation of the Fifth Committee

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

ANNUAL REPORT OF THE UNITED NATIONS JOINT STAFF PENSION BOARD FOR THE YEAR ENDED 31 DECEMBER 1952

The General Assembly

Takes note of the report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952 (A/2421).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 770 (VIII).

(b) Acceptance by the specialized agencies of the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations : report of the Secretary-General

DOCUMENT A/2565

Report of the Fifth Committee

[Original text: English]
[23 November 1953]

1. By resolution 678 (VII) of 21 December 1952, the General Assembly recommended that the appropriate governing organs of the specialized agencies which are members of the Joint Staff Pension Fund should accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations; and requested the Secretary-General to report to the General Assembly at its eighth session on the action taken by the agencies with respect to this recommendation.

2. At its 379th meeting on 30 September 1953, the Fifth Committee considered the report (A/2463) submitted by the Secretary-General pursuant to the terms of the above resolution. The Committee was informed that the recommendation of the General Assembly had been accepted by the World Health Organization, but that decisions were still pending in the case of the other specialized agencies concerned. Since most of these decisions would not be taken until late in 1953, and, in the case of the United Nations Educational, Scientific and Cultural Organization,

until 1954, it was suggested by the Secretary-General that note should be taken of his interim report and that a further report should be requested, through the Joint Staff Pension Board, which the General Assembly should consider at its ninth session, at which time a decision could also be taken as to any additional action deemed necessary.

Recommendation of the Fifth Committee

3. Following a clarification of the conditions under which WHO had agreed to accept the jurisdiction of the United Nations Administrative Tribunal in matters relating to Pension Fund regulations, the Fifth Committee decided to recommend to the General Assembly the adoption of the following draft resolution:

ACCEPTANCE BY THE SPECIALIZED AGENCIES OF THE JURISDICTION OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL IN MATTERS INVOLVING APPLICATIONS ALLEGING NON-OBSERVANCE OF PENSION FUND REGULATIONS

The General Assembly

1. Takes note of the interim report presented by the Secretary-General, pursuant to paragraph 4 of General Assembly resolution 678 (VII) of 21 December 1952;

2. Requests the Secretary-General to report further through the Joint Staff Pension Board on the action taken by the appropriate governing organs of the specialized agencies concerned in response to the recommendation of the General Assembly that they accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 771 (VIII).

(c) Amendments to the Regulations for the United Nations Joint Staff Pension Fund : report of the United Nations Joint Staff Pension Board

DOCUMENT A/2422

Report of the United Nations Joint Staff Pension Board

[Original text : English]
[28 July 1953]

1. The General Assembly, at its seventh session, considered certain amendments and additions to the Regulations of the United Nations Joint Staff Pension Fund which had been recommended by the Joint Staff Pension Board, as empowered by article XXXVII of the Regulations.¹

2. A report on the recommendations of the Board which had been submitted by the Advisory Committee on Administrative and Budgetary Questions was also before the Assembly.²

3. In resolution 680 (VII) of 21 December 1952, the General Assembly approved the greater part of the recommendations made by the Pension Board, but referred back to the Board for further consideration and report its proposals relating to certain articles, as follows:

"Refers the proposals of the Joint Staff Pension Board relating to articles XI and XVI to the Board for further consideration in the light of the observations presented with respect to these articles in the twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions to the seventh session of the General Assembly² and of the discussions held at the 369th meeting of the Fifth Committee;" (paragraph 2)

"Refers to the Joint Staff Pension Board for consideration at its next session the recommendation of

the Advisory Committee on Administrative and Budgetary Questions that the administrative expenses incurred in the administration of the Regulations of the United Nations Joint Staff Pension Fund should be charged to the Fund;" (paragraph 3)

"Requests the Joint Staff Pension Board to report to the General Assembly at its eighth session on the matters referred to in paragraphs 2 and 3 of the present resolution." (paragraph 4)

4. The Pension Board gave consideration to these questions at its fourth session and now submits revised proposals which are contained in part I of the present report.

5. In the course of its fourth session, the Board decided to recommend a further addition to the Regulations at the end of article VII, which was not included in its recommendations to the seventh session of the General Assembly. That addition also is submitted in part I below.

6. At its fourth session, the Board received a communication from the Executive Secretary of the Interim Commission for the International Trade Organization raising the question of the possible admission of the staff of that organization into the Fund. The Board discussed the communication and decided to submit to the General Assembly a resolution on the question, the text of which may be found in part II of the present report.

¹ See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 45, document A/2203.

² *Ibid.*, document A/2285.

PART I

Article XI—revised proposal

7. The Regulations of the Pension Fund provide (1) that a participant who is separated from the service before he has had five years' membership in the Fund shall receive as a withdrawal benefit his own contributions to the Fund plus interest; (2) that a participant who has had more than five years' membership in the Fund and is separated from the service for reasons other than dismissal for serious misconduct shall receive the actuarial equivalent of his retirement benefit.

8. Article XI in its present form provides that a participant dismissed from the service for serious misconduct shall receive his own contributions plus interest, but nothing in excess thereof unless a recommendation to that effect be made by the competent authority of his employing organization. The Pension Board had received expert advice that a provision of the kind, reducing a participant's pension rights on account of the circumstances of his leaving the service, was very seldom found in either governmental or private pension schemes, and therefore recommended that article XI should be removed from the United Nations pension scheme. The Board, when reconsidering this proposal at its fourth session, found that support was given by the members both to the proposal to remove article XI from the scheme and to the proposal to retain it in its present form.

9. The Board finally decided to maintain article XI in a modified form and agreed unanimously to recommend the following revised text:

Article XI—revised text

"1. Except as provided in paragraph 2 of this article, a participant who, in conformity with the Staff Regulations, has been summarily dismissed for serious misconduct, shall be entitled to the benefits provided in article X.

"2. Upon the express recommendation of the competent authority of the member organization concerned, based upon the gravity of the offence which gave rise to the summary dismissal, the Joint Staff Pension Board may reduce the benefit, provided that the amount which shall be paid to the participant shall not be less than:

"(a) His own contributions to the Pension Fund, with compound interest at 2½ per cent per annum, plus

"(b) Such amount as may have been transferred on his account to the Pension Fund from the Provident Fund at the time of his entry into the Pension Fund, without interest."

10. It will be noted that in the revised text of article XI a participant's rights may be reduced when the employing organization makes a recommendation to that effect, as contrasted with the present form, which provides that the reduction of rights is automatic unless a contrary recommendation is made by the employing organization.

Article XVI—revised proposal

11. The resolution adopted at the seventh session of the General Assembly called the attention of the Pension Board to the twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions. In that report, the Advisory Committee stated that the proposed amendment of article XVI raised a problem of basic personnel policy and suggested that a review of such policy might be undertaken by the Administrative Committee on Co-ordination.

12. The Board requested that such a review should be made before it reconsidered article XVI, and had before it a document prepared by the Consultative Committee on Administrative Questions for the Administrative Committee on Co-ordination, in which it was stated that the adoption by the General Assembly of the proposed amendment to article XVI was to be hoped for. It was further stated that the amendment proposed by the Board would solve the problem with which that Committee was concerned, namely, that it was not practicable to allow a staff member called to military service to remain fully covered for death and disability when the actuarial calculations on which the Fund had been established did not include provision for covering such risks.

13. The Board also considered the view expressed in the Fifth Committee with regard to the entitlement to a retirement benefit of a participant reaching the retirement age during a period of leave without pay. The Board accepted the view expressed and decided that a participant should be entitled under such circumstances to a regular retirement benefit.

14. The Board, after giving full consideration to all proposals and observations received, decided by a large majority to recommend to the General Assembly the adoption of the text of article XVI as submitted to the General Assembly, at its seventh session, revised as follows to give effect to the decision contained in paragraph 13 above:

*Article XVI—revised text**Contributions on account of participants*

"1. Seven per cent of the pensionable remuneration of each participant shall be deducted from his remuneration and paid each month to the Pension Fund.

"2. During any period of sick leave on full or partial pay, a participant shall continue to contribute to the Pension Fund by deduction from such payments on the basis of his full pensionable remuneration, and any benefit under these regulations to which he becomes entitled during such period shall be calculated on the basis of his full pensionable remuneration.

"3. (a) A participant on leave without pay, granted for reasons other than the performance of military service, shall be covered by the full benefits provided under these regulations if full contributions on his account are received on the dates on which they would normally become due.

"(b) A participant on leave without pay, granted for reasons other than the performance of military service, on whose account full contributions are not so received, shall be covered by the full benefits provided under these regulations for a period of four months, or for such longer period as the Board, upon the application of the participant, may allow; thereafter he shall be covered only by the benefits provided in paragraph 5 of this article.

"4. A participant on leave without pay, granted for the performance of military service, shall be covered only by the benefits provided in paragraph 5 of this article, and the Joint Staff Pension Board shall not accept contributions on his account during the period of such leave.

"5. (a) A participant on leave without pay who is not covered by the full benefits provided under these regulations, who reaches the age of sixty and retires, shall be entitled to a retirement benefit as provided under article IV.

"(b) Any such participant who before reaching the age of sixty becomes disabled or withdraws from the Fund shall become entitled to a withdrawal benefit under article X.

"(c) If such a participant dies, his designated recipient shall become entitled to a benefit calculated in the same manner as a withdrawal benefit under article X.

"(d) If a participant on leave without pay, granted for the performance of military service, becomes disabled or dies before reaching the age of sixty, the benefit payable under sub-paragraph (b) or (c) of this paragraph shall not be less than the individual actuarial reserve of such participant calculated at the time disability or death occurred.

"6. A period of leave without pay shall not be included in a participant's contributory service unless full contributions are received during the currency of such leave or unless, within a period of twelve months from the participant's return to work, full contributions in respect of such period, with interest at the rate of 2½ per cent per annum, are received by the Fund.

"7. Payment of full contributions in accordance with the provisions of this article on behalf of a participant who is or has been on leave without pay may be made either (a) in full by the participant, or (b) in full by the member organization, or (c) by the participant and the member organization in such shares as they may determine.

"8. For the purpose of this article, 'full contributions' means the sum of the contributions payable by a participant under paragraph 1 of this article, and the contributions payable by a member organization under article XVII in respect of his participation."

15. Consequent upon the adoption of the revised text of article XVI, the following changes of a purely editorial nature would be necessary in articles V and VII, as follows:

Article V

Disability benefits

Add the words "and XVI" to the text in the first paragraph, which will then read as follows:

"Subject to the provisions of articles X, 1 (b) and XVI, a participant..."

Article VII

Death benefits

Add the following words to the first paragraph at its beginning:

"Subject to the provisions of article XVI, if..."

16. A new proposal was put forward at the fourth session of the Board to make an addition to article VII. This addition provides that the same benefits shall be provided to an incapacitated widower of a female participant as to the widow of a male participant.

17. The following text is therefore proposed as an additional paragraph to article VII:

Article VII—additional paragraph

"Should a married woman participant die and her widower be found by the Joint Staff Pension Board on the basis of a medical examination to be totally and permanently incapable either physically or mentally of providing for his own support, he shall be entitled to the same benefits as would a widow of a male participant."

18. It was noted that the actuary had no objection to the substance of this proposal, provided that appropriate

words (e.g., "at the time of her death") are inserted following the word "support", in order to make clear that the incapacity must have existed at the time of the participant's death.

19. The recommendations of the Advisory Committee on Administrative and Budgetary Questions (see resolution 680 (VII), paragraph 3) to the effect that the administrative expenses incurred in the administration of the regulations of the Fund should be charged to the Fund, was examined by the Board at its fourth session. In the actuary's opinion it was inadvisable to use for administrative expenses any part of the contributions obtained from member organizations and participants for the sole purpose of providing the benefits under the scheme. The conclusion was reached that it was premature to decide on the basis of the actuarial valuation at December 1951 that the Fund itself should bear the administrative costs, but that the General Assembly should be informed that it is the intention of the Board to reconsider the proposal after the report on the next actuarial valuation of the Fund has been received.

PART II

20. The communication received from the Executive Secretary of the Interim Commission for the International Trade Organization called the attention of the Board to the fact that the members of its staff were not participants in the Joint Staff Pension Fund, although the organization had always been closely associated with the administrative co-ordination schemes and, in particular, with the various administrative arrangements set up by the Administrative Committee on Co-ordination. It therefore requested the Board to examine the possibility of recommending a procedure which would enable the Interim Commission to become a member organization in the United Nations Joint Staff Pension Fund.

21. The Board noted that article XXVIII of the regulations of the Fund provides that only specialized agencies referred to in Article 57 of the Charter of the United Nations may become member organizations in the Fund, and that an amendment to article XXVIII would therefore be required to enable an interim commission such as the Interim Commission for the International Trade Organization to be admitted to membership in the Fund.

22. While the Board was completely in sympathy with the desire of the Interim Commission to obtain pension fund coverage for its staff, it felt that it should first obtain a directive from the General Assembly on the advisability of extending membership in the Fund beyond the specialized agencies. The Board therefore adopted the following resolution:

"Considering that the staff of the Interim Commission for the International Trade Organization has indicated its desire of becoming participants of the United Nations Joint Staff Pension Fund,

"Noting that the Staff Benefit Fund of the Interim Commission for the International Trade Organization has been set up and operating for five years and appears to present no insurmountable difficulties of assimilation into the United Nations Joint Staff Pension Fund,

"Considering that the assimilation of the staff members of the Interim Commission for the International Trade Organization would in itself present to the Fund no more than the ordinary risk of an equal number of participants from a specialized agency,

"Considering that the Interim Commission for the International Trade Organization is not a specialized agency as referred to in Article 57, paragraph 2, of the Charter and therefore is not admissible under article XXVIII of the regulations of the Joint Staff Pension Fund,

"Considering that members of the staff of the Interim Commission for the International Trade Organization are not members of the staff of the United Nations,

"Resolves to bring the question of the desirability of admitting the staff members of the Interim Commission for the International Trade Organization to the attention of the General Assembly for its consideration and decision of principle, and recommends that in case of an affirmative decision the matter be referred to the Joint Staff Pension Board for recommendation as to consequential changes in the regulations."

DOCUMENT A/2489

Third report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[23 September 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the United Nations Joint Staff Pension Board submitting, in accordance with General Assembly resolution 680 (VII) of 21 December 1952, proposed amendments to the Regulations of the Joint Staff Pension Fund (A/2422). The Committee is concerned only with articles XI and XVI and with paragraph 19 of the Board's report, which deals with the expenses of administering the regulations.

ARTICLE XI

2. The effect of the revised proposal of the Board is to require of the executive head (or other competent authority) of the organization concerned a positive action in order to prevent the payment to a participant who has been summarily dismissed for serious misconduct of the benefits provided in article X of the regulations. This is the exact converse of the existing provision, in accordance with which a participant so dismissed is entitled to receive only his own contributions plus interest, any payment in excess thereof being made only on the express recommendation of the executive head (or other competent authority) of the organization to which the participant belonged.

3. The Advisory Committee has received no information that would lead it to reconsider at this time its previous recommendation³ that article XI should be retained in its existing form. It believes that the grounds on which that recommendation was based remain valid. However, after more experience has been acquired of the circumstances in which summary dismissals are ordered in the United Nations and other member organizations, the Committee will be prepared again to consider the proposed changes. It is therefore of the opinion that the revised proposal of the Board might appropriately be deferred for a period of at least two years.

ARTICLE XVI

4. The existing text of article XVI makes no distinction between leave without pay for normal purposes and leave without pay for military service. During 1952, the Board proposed to the General Assembly amendments to article XVI⁴ which would have had the following, among other, effects :

(a) A participant on leave without pay for military service would be covered only by an amount corresponding to a withdrawal benefit and not by retirement, death or disability benefits; no contributions would be accepted on his behalf; and

(b) A participant on leave without pay for purposes other than military service would be eligible for full coverage during absences, provided that full contributions were paid on his behalf to the Fund. A similar eligibility would not apply to participants granted leave without pay for military service.

5. The Advisory Committee, when reporting at the time on the proposals of the Board,⁵ expressed the view that the problem arising out of leave without pay for military service could not be considered in isolation as a problem peculiar to the Fund; that issues of basic personnel policy were involved; and that a review of that policy might with advantage be undertaken by the Administrative Committee on Co-ordination.

6. By resolution 680 (VII), the General Assembly referred the proposals of the Joint Staff Pension Board relating to article XVI to the Board for further consideration in the light of the Advisory Committee's observations and the relevant discussions in the Fifth Committee.

7. During 1953, the Administrative Committee on Co-ordination accordingly reviewed the proposals of the Joint Staff Pension Board and expressed the hope that the amendments to article XVI would be adopted as submitted by the Board.

For purposes of comparison, the proposals of the Board submitted respectively in 1952 and 1953 are set forth :

1952

(d) A participant on leave without pay granted for the performance of military service shall be covered only by the benefits provided in paragraph (e) of this article, and the Joint Staff Pension Board shall not accept contributions on his account during the period of such leave.

1953

4. A participant on leave without pay, granted for the performance of military service, shall be covered only by the benefits provided in paragraph 5 of this article, and the Joint Staff Pension Board shall not accept contributions on his account during the period of such leave.

³ *Ibid.*, document A/2285, paras. 18 to 20.

⁴ *Ibid.*, document A/2203.

⁵ *Ibid.*, document A/2285, paras. 21 to 24.

1952

(e) A participant on leave without pay who is not covered by the full benefits provided under these regulations and who retires, becomes disabled or withdraws from the Fund shall become entitled to a withdrawal benefit under article X; if such a participant dies his designated recipient shall become entitled to a benefit calculated in the same manner as a withdrawal benefit under article X; provided that a benefit under this paragraph payable on account of the death or disability of a participant on leave without pay granted for the performance of military service shall not be less than the individual actuarial reserve of the said participant calculated at the time the death or disability occurred.

9. The sole difference (other than editorial changes) between the two texts lies in the inclusion in the 1953 text of entitlement to a retirement benefit at the age of sixty (paragraph 5 (a)).

10. The Advisory Committee concurs in the revised text proposed by the Board. As regards the provision concerning absence on leave without pay for the performance of military service, the Committee takes account of the fact that the risks involved in such service were not included in the actuarial calculations on which the Pension Fund is based, as well as of the fact that the proposed amendment will enable member organizations to discontinue the practice of terminating in certain cases staff members to whom such leave is granted. The Committee further takes account of the fact that national governments make provision for the payment of disability and death benefits in connexion with the performance of military service.

1953

(a) A participant on leave without pay who is not covered by the full benefits provided under these regulations, who reaches the age of sixty and retires, shall be entitled to a retirement benefit as provided under article IV.

(b) Any such participant who before reaching the age of sixty becomes disabled or withdraws from the Fund shall become entitled to a withdrawal benefit under article X.

(c) If such a participant dies, his designated recipient shall become entitled to a benefit calculated in the same manner as a withdrawal benefit under article X.

(d) If a participant on leave without pay, granted for the performance of military service, becomes disabled or dies before reaching the age of sixty, the benefit payable under sub-paragraph (b) or (c) of this paragraph shall not be less than the individual actuarial reserve of such participant calculated at the time disability or death occurred.

ADMINISTRATIVE EXPENSES OF THE PENSION FUND

11. The report of the Pension Board (A/2422, para. 19) does not indicate the grounds on which the actuary formed the opinion that "it was inadvisable to use for administrative expenses any part of the contributions obtained from member organizations and participants for the sole purpose of providing the benefits under the scheme".

12. While taking due account of the conclusion reached by the Board that it is premature to decide this matter on the basis of the actuarial valuation at December 1951, the Advisory Committee submits the following additional considerations:

(a) The valuation at year-end 1951, which was based on an interest rate of 2.5 per cent, disclosed that the rate of 13.48 per cent of payroll was computed to be necessary to provide benefits as of that date; there was thus a margin of 0.52 per cent between the computed and the actual rate of contribution;

(b) The administrative expenses in question (after the segregation of items relating to the United Nations Staff Pension Committee) are estimated for 1954 at \$85,000, representing approximately 0.25 per cent of payroll;

(c) Under the recommendation of the Advisory Committee, the estimated margin would thus be reduced from 0.52 per cent to 0.27 per cent;

(d) Since the date of the actuarial valuation the policy has been adopted of investing a proportion of the moneys of the Fund in equities, and this factor, among others, has had the effect of raising the average of interest earnings above the figure of 2.5 per cent and thereby contributing to the safety margin.

13. On the basis of these considerations the Advisory Committee renews its previous recommendation that article XXVII should be amended to provide that expenses incurred in the administration of the regulations should be charged to the Fund and not to the general budget of the United Nations and other member organizations.

14. The Advisory Committee further recommends that the proposed amendment should come into force not later than 1 January 1955, and that the estimates of the administrative expenses in question should continue thereafter to be submitted to the General Assembly for approval.

DOCUMENT A/2524

Ninth report of the Advisory Committee on Administrative and Budgetary Questions: question of the admission of the Interim Commission for the International Trade Organization to membership in the Fund

[Original text: English]
[21 October 1953]

1. At its 380th meeting on 1 October 1953, the Fifth Committee referred to the Advisory Committee on Administrative and Budgetary Questions part II of the report of the United Nations Joint Staff Pension Board on amendments to the regulations for the Fund; part II of the report relates to the possible admission of the Interim Commission for the International Trade Organization (IC.ITO) to membership in the Pension Fund (A/2422, part II, paras. 20 to 22). The Advisory Committee was requested, in studying the matter, to take

account of the statements made by various representatives in the Fifth Committee.

2. The legal position as regards membership in the United Nations Joint Staff Pension Fund is clear. Under article I, paragraph 1, of the regulations, a member organization is the United Nations or a specialized agency referred to in Article 57, paragraph 2, of the Charter which has been duly admitted to the Fund; IC.ITO does not qualify for membership under this provision.

3. However, other considerations are also relevant. The Interim Commission for the International Trade Organization was set up by the United Nations at the close of the United Nations Conference on Trade and Employment at Havana (1947-1948), which drew up a charter for an international trade organization. At the time it was foreseen that, with the early ratification of the Havana Charter, the International Trade Organization would come into being. Regarded as a preparatory commission for a specialized agency, IC.ITO has received loans from the United Nations under the authority of the General Assembly resolution (676 (VII)) on the Working Capital Fund.⁶ It is invited, in the same way as are the specialized agencies, to attend sessions of the General Assembly and of the Economic and Social Council and, while its relationship with the Council is not of a formal character, the close working arrangement between the United Nations and the Commission has been recognized in an exchange of letters between the Executive Secretary of the Commission and the Secretary-General of the United Nations. Furthermore, the objectives of IC.ITO and of the General Agreement on Tariffs and Trade (the servicing of which represents the Commission's main activity) are those defined in Article 55 of the Charter of the United Nations. The Commission's close association with United Nations schemes for administrative co-ordination is, finally, referred to in the report of the Joint Staff Pension Board (A/2422, para. 20).

4. This matter comprises two parts: there is, first, a general question of principle: Is it desirable to admit to membership an organization which is not a specialized agency as defined in Article 57 of the Charter? Secondly, there is a particular question: Apart from the question of principle, would it be desirable to admit IC.ITO to any form of participation in the Fund?

5. As regards the first part, namely, the question of principle, it seems a wise provision to limit membership in the Fund to specialized agencies that fulfil the con-

⁶ The relevant clause reads: "The Secretary-General is authorized to advance from the Working Capital Fund... loans to specialized agencies and preparatory commissions of agencies to be established by intergovernmental agreement under the auspices of the United Nations..."

ditions of the Pension Fund regulations (article XXVIII⁷). The Interim Commission for the International Trade Organization would not be eligible for membership under this general principle. Nevertheless, it shares several of the characteristics of a specialized agency, and this circumstance would have mitigated the objection of principle had not the Advisory Committee been conscious of the danger of creating a precedent for future, perhaps less justifiable, admissions. As regards the second part, it is clear that there is no actuarial disadvantage in the membership of IC.ITO.

6. The Advisory Committee is not therefore in a position to make a firm recommendation in favour of the participation of IC.ITO in the Pension Fund as a full member. It does, however, recommend that, should the Fifth Committee find that exceptional circumstances warrant the admission of IC.ITO, the consequential amendments to be drafted in consultation with the Joint Staff Pension Board should limit the rights of the Interim Commission to an associate membership not carrying with it representation with voting rights on the Board.

7. Finally, the Committee urges that any future applications of a similar nature should be subjected to the most careful scrutiny so as to ensure that the benefits of membership, whether full or limited, shall not be extended to organizations that have not already established over a number of years a close *de facto* relationship with the United Nations and may reasonably be regarded as of a permanent character.

⁷ Article XXVIII of the Pension Fund Regulations reads:

"1. A specialized agency referred to in Article 57, paragraph 2, of the Charter shall become a member organization of the United Nations Joint Staff Pension Fund on its acceptance of these regulations, provided that agreement has been reached with the Secretary-General of the United Nations as to any payments necessary to be made by such specialized agency to the Pension Fund in respect of the new obligations incurred by the Fund through its admission, and as to the other transitional arrangements that may be necessary, including the extent to which these regulations are to be applicable to employees of the specialized agency at the time of admission to the Fund.

"2. Any agreement which the Secretary-General proposes to conclude with a specialized agency shall be communicated to the Joint Staff Pension Board by the representatives of the Secretary-General on that Board, for observations, prior to its conclusion."

DOCUMENT A/2576

Report of the Fifth Committee

[Original text: English]
[24 November 1953]

1. Under the terms of General Assembly resolution 680 (VII) of 21 December 1952, amendments which had been proposed by the United Nations Joint Staff Pension Board to articles XI and XVI of the Regulations of the Joint Staff Pension Fund were referred back to the Board for reconsideration at its next session, in the light of the observations presented by the Advisory Committee on Administrative and Budgetary Questions⁸ and of the views expressed in the Fifth Committee at its 369th meeting. The Board was requested to consider, at the same time, the recommendation of the Advisory Committee that expenses incurred in administering the regulations should be charged to the United Nations Joint

Staff Pension Fund, and to report to the General Assembly at its eighth session on the matters so referred.

2. At its 379th meeting held on 30 September 1953, the Fifth Committee had before it the report (A/2422) submitted by the Joint Staff Pension Board pursuant to the above resolution, together with the observations thereon of the Advisory Committee on Administrative and Budgetary Questions as contained in its third report (A/2489) to the General Assembly at its eighth session.

3. In submitting the amendments proposed to article XI, the Chairman of the Joint Staff Pension Board explained that the present regulation stipulated that a participant who was dismissed from service should receive his own contributions plus interest, but nothing in excess thereof unless a recommendation to that effect

⁸ See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 45, document A/2285.

were made by the competent authority of the employing organization. At its third session in 1952, the Board had recommended the deletion of the article, since it felt that payments of benefits should not be affected by administrative decisions and that this was the only regulation where control over the payment of a benefit was exercised otherwise than by the Board itself. When the question was reconsidered by the Board at its fourth session, in the light of the views that had been expressed meanwhile both by the Advisory Committee and in the Fifth Committee of the General Assembly, the Board found itself divided in its opinion. As a result, a compromise text had been adopted under which a participant would be entitled to full benefits unless the Board should decide otherwise on the recommendation of the administrative head of the member organization concerned.

4. In explaining the recommendation of the Advisory Committee, its Chairman pointed out that the Board had justified its earlier proposal to delete article XI on the grounds that disciplinary measures were solely within the jurisdiction of the executive heads of the employing organizations and that the Joint Staff Pension Board should not, therefore, be placed in a position of having to intervene in such strictly administrative decisions. With that view the Advisory Committee was in full agreement. It did not consider, however, that the new text suggested was in conformity with that principle. The fact that the Board would be empowered to reduce a benefit placed it in a position of passing judgment on a disciplinary decision of the administration concerned which was the only authority with full knowledge of all the facts of the case. The Advisory Committee felt that there was nothing unusual or unfair in the regulation as currently formulated and was therefore of the opinion that article XI should be retained in its existing form for at least two years, after which the revised proposal of the Board might be reconsidered in the light of the experience meanwhile acquired of the circumstances under which summary dismissals were ordered in the United Nations and other member organizations.

5. Delegations supporting the Board's revised proposal, while agreeing that the situation might be reconsidered in the light of further experience, argued that the revised text should be adopted at once since otherwise officials dismissed for serious misconduct would continue to be deprived of the full benefits under article X unless the executive head of the organization concerned should recommend otherwise. While agreeing that the Board should not pass judgment on an administrative decision, they were nevertheless of the opinion that it was entitled to concern itself with the effects of such a decision on the pension rights of a staff member and his family. In the view of those delegations the proposed amendment was in keeping with the letter and spirit of comparable legislation in many of the more socially advanced countries, and was calculated to afford to staff members a greater feeling of justice and security than that now enjoyed.

6. Delegations opposing the revised proposal of the Joint Staff Pension Board stressed the argument that the Board would be obliged to deal with administrative matters outside its jurisdiction. It was maintained, furthermore, that the benefits under discussion were not social insurance benefits but benefits earned as a result of service rendered. The Advisory Committee's recommendation that article XI should be retained in its existing form was therefore supported, particularly in view of the fact that the Secretary-General was given discretion, should he consider that the circumstances so justified, to recommend the payment to dismissed staff members of a sum equivalent to the whole or part of the benefits provided under article X. It would be advisable, more-

over, to defer any far-reaching amendment until such time as further experience had been gained. In the interim, a study could be undertaken not only of the circumstances under which dismissals occurred, but also of such questions of principle as whether pension rights should be considered inalienable and whether a decision to reduce the benefits payable in cases of summary dismissals should properly rest with the employing organization or with the Joint Board.

7. At the conclusion of the discussion of the regulation it was decided, by 41 votes to 4, with 4 abstentions, to recommend to the General Assembly the retention of article XI in its existing form as recommended by the Advisory Committee.

8. In submitting article XVI of the regulations dealing with "Contributions on account of participants" the Chairman of the Joint Staff Pension Board pointed out that the principal changes in the article were to make explicit, in accordance with the actuarial tables on which the Fund was based, the rights of a participant in the Fund when on leave without pay, especially when on leave for reasons of the performance of military service. At its fourth session the Board, as requested by the Advisory Committee on Administrative and Budgetary Questions, had taken into account the report made by the Administrative Committee on Co-ordination with regard to basic personnel policy. It had also taken into account the view expressed in the Fifth Committee at the seventh session concerning a participant's entitlement to a retirement benefit on reaching the retirement age during a period of leave without pay. After due consideration of these matters, the Board had decided to recommend to the General Assembly the adoption of the text of article XVI as submitted to the General Assembly at its seventh session revised only to give effect to that entitlement.

9. The Advisory Committee having recommended acceptance of the Board's proposal with respect to article XVI, the revised text, together with consequential changes in articles V and VII, was approved without objection.

10. The Chairman of the Joint Staff Pension Board next presented a new proposal put forward at the fourth session of the Board for an addition to article VII of the Regulations relating to death benefits. The proposal provided that the same benefits as those set forth in article VII should be provided to an incapacitated widower of a female participant as to the widow of a male participant. The Committee was informed that the actuary had no objections to the substance of the proposal, provided that appropriate words were inserted to make clear that the incapacity must have existed at the time of the participant's death.

11. There being no objection, the proposal of the Joint Staff Pension Board was approved, the additional paragraph to become paragraph 7 of article VII of the Regulations.

12. Referring to the Advisory Committee's recommendation that expenses incurred in the administration of the regulations of the Fund should be charged to the Fund, the Chairman of the Board stated that that proposal had been considered fully by the Board at its fourth session in consultation with the actuary. The conclusion had been reached that it was premature to decide, on the basis of the actuarial valuation as at December 1951, that the Fund itself should bear the administrative costs since that valuation related to a period of five years only, during most of which participation had been limited to staff members of the United Nations, the specialized agencies not having become members of the Fund until 1949. Moreover, the actuary had observed that experience

to date had been very favourable with respect to withdrawals but adverse financially with respect to remuneration increases and death. In any event, the Board intended to re-examine the proposal after having received the next actuarial valuation.

13. The Chairman of the Advisory Committee, in explaining that Committee's recommendation, drew attention to the fact that the average interest earnings of the Fund had always been higher than the figures used in the actuarial calculations and had, furthermore, continued to increase in recent years; reference was also made to the provisions of article XIX concerning deficiency payments. The Advisory Committee, therefore, considered that article XXVII should be amended to provide for the administrative expenses being charged to the Fund and that such amendment should come into force not later than 1 January 1955.

14. Views were expressed both for and against the Advisory Committee's recommendation. Delegations supporting the recommendation considered that a principle of sound financial management was involved and that the implementation of this principle was fully justified, having regard to the existing margin between the computed and actual rate of contribution and to the Fund's generally satisfactory position. Delegations opposing the recommendation contended that the margin of safety was not as great as the Advisory Committee's report suggested. It was pointed out that it was necessary to bear in mind, in addition to the contributions by participating organizations, the 7 per cent contributed by the staff. The actuary had estimated that 20.48 per cent of total payroll was currently needed to meet all benefits provided under the regulations as against the 21 per cent which in fact was being contributed (7 per cent from staff and 14 per cent from employing organizations). The margin of 0.52 percentage points therefore represented a much smaller margin of safety if related to the 21 per cent figure than to the 14 per cent figure on which the Advisory Committee's report was based. Assumption by the Fund itself of administrative expenses would reduce this margin to 0.27 percentage points. There was no guarantee, moreover, that the next actuarial valuation, which would reflect to a much greater extent the participation of the specialized agencies, would reveal as satisfactory a position. Since such a valuation was of necessity only an approximation, an adequate margin of safety must be provided for.

15. On being put to the vote, the Committee approved, by 40 votes to 2, with 3 abstentions, the recommendation of the Advisory Committee (1) that article XXVII should be amended to provide for the expenses incurred in administering the regulations being charged to the Fund and not to the general budgets of the United Nations and other member organizations; (2) that this amendment should come into force not later than 1 January 1955; and (3) that the estimates of such administrative costs should continue to be submitted to the General Assembly for approval.

16. At its 280th meeting, the Committee began consideration of the further question dealt with in part II of the Board's report (A/2422) concerning the participation of the staff of the Interim Commission for the International Trade Organization in the Joint Staff Pension Fund. Since article XXVIII of the regulations of the Fund provided that only specialized agencies referred to in Article 57 of the Charter of the United Nations might become member organizations in the Fund, the Board had resolved to bring the question of the desirability of admitting the staff members of IC.ITO to the attention of the General Assembly for its consideration and decision of principle with the recommendation that, in the event of an affirmative decision, the matter

should be referred back to the Board for recommendation as to consequential changes in the regulations. Following a brief discussion, it was decided that, before taking a decision on the principle of extending membership in the Fund, the Advisory Committee should be asked to study and report on the matter, taking account of the views expressed.

17. Discussion was resumed at the Committee's 402nd meeting on the basis of the report submitted in the meantime by the Advisory Committee (A/2524) and of a draft resolution submitted jointly by Australia and Canada (A/C.5/L.247).

18. On the general question of principle, the Advisory Committee considered it a wise provision to limit membership in the Fund to specialized agencies that fulfilled the conditions of the regulations. The fact that IC.ITO shared several of the characteristics of a specialized agency would have mitigated the objection of principle had not the Advisory Committee been conscious of creating a precedent for future, perhaps less justifiable, admissions. Apart from this general consideration it was clear that no actuarial disadvantages would result from the membership of IC.ITO. It was, therefore, recommended that, should the Fifth Committee find that special circumstances warranted the admission of IC.ITO, the consequential amendments to be drafted in consultation with the Joint Staff Pension Board should limit the rights of the Interim Commission to an associate membership not carrying with it representation with voting rights on the Board.

19. The sponsors of the joint draft resolution explained that their proposal was designed to authorize the admission of IC.ITO to membership in the Fund subject to the condition regarding voting rights as recommended by the Advisory Committee. In support of the proposal, it was pointed out that such action present no technical difficulties, since the staff of IC.ITO already belonged to a provident fund financed in the same manner as the Joint Staff Pension Fund. Moreover, if membership were not authorized, the Interim Commission would be obliged to proceed with the establishment of a pension fund of its own—a situation which should be avoided if at all possible in the interests of the policy of administrative and budgetary co-ordination which the General Assembly had persistently urged upon the United Nations and associated organizations. It would be unfortunate also if the Interim Commission's staff were to be thus deprived of the experience which the Joint Staff Pension Board has acquired and the advantages which derive from membership in a larger, and therefore financially stronger, fund.

20. In the opinion of some delegations, however, it would be setting a dangerous precedent to depart from the principle that specialized agencies alone should qualify for admission. The Interim Commission for the International Trade Organization, by virtue of its temporary character and the uncertainty as to its permanent status, clearly did not fulfil the conditions required by Article 57 of the Charter of the United Nations. Doubt was also expressed as to whether actuarial disadvantages might not in fact arise if IC.ITO, after being admitted to the Fund, were to be dissolved. For these reasons, the representative of the United Kingdom formally proposed that further examination of the question should be deferred until the next session of the General Assembly by which time a decision would no doubt have been taken with regard to the future status of IC.ITO.

21. Special attention was called, in the course of discussion, to the Advisory Committee's recommendation "that any future applications of a similar nature should be subjected to the most careful scrutiny so as to ensure that the benefits of membership, whether full or limited,

shall not be extended to organizations that have not already established over a number of years a close *de facto* relationship with the United Nations and may reasonably be regarded as of a permanent character".

22. Discussion having been concluded, the United Kingdom proposal for deferment was rejected by 20 votes to 16, with 11 abstentions. The draft resolution submitted by Australia and Canada (A/C.5/L.247) was then adopted by 30 votes to none, with 20 abstentions.

23. In explanation of the procedure that would need to be followed, it was stated by the representative of the Secretary-General that the necessary amendments to the regulations of the Pension Fund would first have to be formulated for the General Assembly's approval at its ninth session. Admission would, however, be retroactive from the date of the first payment of contributions by IC.ITO.

Recommendations of the Fifth Committee

24. The Fifth Committee, in the light of the foregoing decisions, therefore recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

AMENDMENTS TO THE REGULATIONS OF THE UNITED NATIONS JOINT STAFF PENSION FUND

The General Assembly,

Having considered the recommendations (A/2422) proposed by the Joint Staff Pension Board in pursuance of article XXXVII of the Regulations of the United Nations Joint Staff Pension Fund, with respect to amendments and additions to be made to articles V, VII, XI, XVI and XXVII of the Regulations,

1. Approves the amendments and additions to articles V, VII and XVI of the Regulations of the United Nations Joint Staff Pension Fund as set forth in the annex to the present resolution and decides that the regulations so amended shall take effect as from 1 January 1954;

2. Approves the amendment to article XXVII of the Regulations of the United Nations Joint Staff Pension Fund as set forth in the annex to the present resolution and decides that the Regulation so amended shall take effect from as from 1 January 1955;

3. Decides that article XI of the Regulations of the Joint Staff Pension Fund shall be retained in its present form for the time being and requests the Joint Staff Pension Board to re-examine its provisions and to report to the General Assembly at its tenth session.

ANNEX

REVISED REGULATIONS FOR THE UNITED NATIONS JOINT STAFF PENSION FUND

(as proposed for adoption by the General Assembly)

REVISED ARTICLE V

Disability benefits

Subject to the provisions of article X, 1 (b), and XVI, a participant who, before reaching the age of sixty, has, in the opinion of the Joint Staff Pension Board, become unable to perform his duties owing to serious physical or mental impairment shall be entitled, subject to article IX, while such disability continues, to a disability benefit payable in the same manner as a retirement benefit and equal to nine-tenths of one-sixtieth of his final average remuneration multiplied by the number of years of his contributory service not exceeding thirty years. This disability benefit shall be not less than the smaller of:

(a) Three-tenths of the final average remuneration;

or

(b) Nine-tenths of the retirement benefit to which he would have been entitled if he had remained in service until he had reached the age of sixty and his final average remuneration had remained unchanged.

REVISED ARTICLE VII

Death benefits

1. Subject to the provisions of article XVI if a married male participant dies, his widow shall be entitled, subject to article IX, to a widow's benefit amounting, except as provided in paragraph 3 below, to half of the benefit which would have been paid to the participant had he qualified for a disability benefit at the time of his death or, if such deceased participant had attained the age of sixty, to one-half of the benefit which would have been paid to the participant had he retired under the provisions of article IV at the time of his death. This benefit shall cease on the widow's remarriage.

2. (a) If a married man who is a recipient of a retirement benefit as provided under article IV dies, his widow, provided she was his wife at the time of the cessation of his service with the member organization, shall be entitled, except as provided in paragraph 3 below, to a widow's benefit half as large as the benefit which was being paid to the deceased at the time of his death. However, if the deceased at the time of his retirement had received a lump sum as provided in article IV, in lieu of part of the retirement benefit to which he was entitled, the widow's benefit shall be half of the total retirement benefit to which the staff member was entitled at the cessation of his service. This benefit shall cease on the widow's remarriage.

(b) If a married man who is a recipient of a disability benefit dies, his widow, provided she was his wife six months before he qualified for a disability benefit, shall be entitled, except as provided in paragraph 3 below, to a widow's benefit half as large as the benefit being paid to the deceased at the time of his death. This benefit shall cease on the widow's remarriage.

(c) Notwithstanding sub-paragraph (b) above, when the disability of the deceased was the result of an accident or of damage to health arising from service in an unhealthy area, his widow, provided she was his wife at the time he qualified for the disability benefit, shall be entitled to a widow's benefit half as large as the benefit which was being paid to the deceased at the time of his death. This benefit shall cease on the widow's remarriage.

3. If a widow eligible for a benefit under paragraph 1 or 2 is younger than the deceased by more than twenty years, the annual amount of the benefit shall be reduced so that the value of the benefit shall be the actuarial equivalent of the benefit which would have been payable to a widow twenty years younger than the deceased.

4. Upon ceasing to be entitled to a widow's benefit by reason of remarriage, the widow shall be entitled to a lump-sum payment equal to twice the annual amount of her widow's benefit.

5. Upon the death of a participant who does not leave a widow entitled to a widow's benefit, there shall be paid to his designated recipient a sum equal to:

(a) His own contributions to the Pension Fund, with compound interest at 2 ½ per cent per annum, plus

(b) Such amount as may have been transferred on his account to the Pension Fund from the Provident Fund of a member organization at the time of his entry into the Pension Fund, without interest.

If a designated recipient does not survive a participant or if a participant has not made, or has revoked, a designation, such sum shall be paid to the participant's estate.

6. A widow whose annual benefit under this article is less than 120 dollars may, prior to the first payment of such benefit and with the consent of the Joint Staff Pension Board, receive in lieu thereof a lump sum which is the actuarial equivalent of such benefit.

7. Should a married woman participant die and her widower be found by the Joint Staff Pension Board on the basis of a medical examination to be totally and permanently incapable either physically or mentally of providing for his own support, at the time of her death, he shall be entitled to the same benefits, as set forth in this article, as would a widow of a male participant.

REVISED ARTICLE XVI

Contributions on account of participants

1. Seven per cent of the pensionable remuneration of each participant shall be deducted from his remuneration and paid each month to the Pension Fund.

2. During any period of sick leave on full or partial pay, a participant shall continue to contribute to the Pension Fund by deduction from such payments on the basis of his full pensionable remuneration, and any benefit under these regulations to which he becomes entitled during such period shall be calculated on the basis of his full pensionable remuneration.

3. (a) A participant on leave without pay, granted for reasons other than the performance of military service, shall be covered by the full benefits provided under these regulations if full contributions on his account are received on the dates on which they would normally become due.

(b) A participant on leave without pay, granted for reasons other than the performance of military service, on whose account full contributions are not so received, shall be covered by the full benefits provided under these regulations for a period of four months, or for such longer period as the Board, upon the application of the participant, may allow; thereafter he shall be covered only by the benefits provided in paragraph 5 of this article.

4. A participant on leave without pay, granted for the performance of military service, shall be covered only by the benefits provided in paragraph 5 of this article, and the Joint Staff Pension Board shall not accept contributions on his account during the period of such leave.

5. (a) A participant on leave without pay who is not covered by the full benefits provided under these regulations, who reaches the age of sixty and retires, shall be entitled to a retirement benefit as provided under article IV.

(b) Any such participant who before reaching the age of sixty becomes disabled or withdraws from the Fund shall become entitled to a withdrawal benefit under article X.

(c) If such a participant dies, his designated recipient shall become entitled to a benefit calculated in the same manner as a withdrawal benefit under article X.

(d) If a participant on leave without pay, granted for the performance of military service, becomes disabled or dies before reaching the age of sixty, the benefit payable under sub-paragraph (b) or (c) of this paragraph shall not be less than the individual actuarial reserve of such participant calculated at the time disability or death occurred.

6. A period of leave without pay shall not be included in a participant's contributory service unless full contributions are received during the currency of such leave or unless, within a period of twelve months from the participant's return to work, full contributions in respect of such period, with interest at the rate of 2 $\frac{1}{2}$ per cent per annum, are received by the Fund.

7. Payment of full contributions in accordance with the provisions of this article on behalf of a participant who is or has been on leave without pay may be made either (a) in

full by the participant, or (b) in full by the member organization, or (c) by the participant and the member organization in such shares as they may determine.

8. For the purpose of this article, "full contributions" means the sum of the contributions payable by a participant under paragraph 1 of this article, and the contributions payable by a member organization under article XVII in respect of his participation.

REVISED ARTICLE XXVII

Administrative expenses

1. Expenses incurred in the administration of these regulations by the Joint Staff Pension Board shall be met by the Fund.

2. Estimates of the administrative expenses referred to in paragraph 1 shall be submitted annually to the General Assembly of the United Nations for approval.

3. Expenses incurred in the administration of these regulations by the staff pension committee of a member organization shall be met out of the general budget of that organization.

Draft resolution II

ADMISSION OF STAFF MEMBERS OF THE INTERIM COMMISSION FOR THE INTERNATIONAL TRADE ORGANIZATION TO MEMBERSHIP IN THE UNITED NATIONS JOINT STAFF PENSION FUND

The General Assembly,

Taking note of the report of the United Nations Joint Staff Pension Board regarding the participation of the staff of the Interim Commission for the International Trade Organization in the United Nations Joint Staff Pension Fund (A/2422, part II),

Taking note of the comments of the Advisory Committee on Administrative and Budgetary Questions in its ninth report to the eighth session of the General Assembly (A/2524),

1. *Decides* that, upon request of the competent authority, the Interim Commission for the International Trade Organization may be admitted to participation in the United Nations Joint Staff Pension Fund but without representation with voting rights on the United Nations Joint Staff Pension Board;

2. *Requests* that, upon the receipt of such a request on behalf of the Interim Commission for the International Trade Organization, the United Nations Joint Staff Pension Board prepare amendments to the Regulations of the United Nations Joint Staff Pension Fund which would give effect to this decision and report to the General Assembly at its ninth session.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolutions I and II submitted by the Fifth Committee. For the final text see resolutions 772 (VIII) and 773 (VIII) respectively.

CHECK LIST OF DOCUMENTS

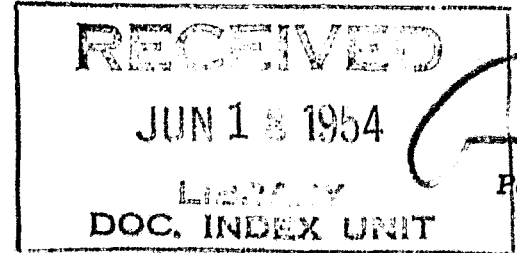
<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
(a) Annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952			
A/2392	Financial Report and Accounts for the year ended 31 December 1952 and Report of the Board of Auditors		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 6</i>
A/2421	Annual Report of the United Nations Joint Staff Pension Board for the year ended 31 December 1952		<i>Ibid., Supplement No. 8</i>
A/2564	Report of the Fifth Committee	2	
A/RESOLUTION/139	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Ibid., Supplement No. 17, resolution 770 (VIII)</i>
(b) Acceptance by the specialized agencies of the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations: report of the Secretary-General			
A/2463	Report of the Secretary-General		Mimeographed document only
A/2565	Report of the Fifth Committee	2	
A/RESOLUTION/140	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 771 (VIII)</i>
(c) Amendments to the regulations for the United Nations Joint Staff Pension Fund: report of the United Nations Joint Staff Pension Board			
A/2203	Amendments to the regulations of the United Nations Joint Staff Pension Fund: report of the United Nations Joint Staff Pension Board		<i>Ibid., Seventh Session, Annexes, agenda item 45</i>
A/2285	Twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions to the seventh session of the General Assembly		<i>Ibid.</i>
A/2422	Report of the United Nations Joint Staff Pension Board	3	
A/2489	Third report of the Advisory Committee on Administrative and Budgetary Questions	6	
A/2524	Ninth report of the Advisory Committee on Administrative and Budgetary Questions: question of the admission of the Interim Commission for the International Trade Organization to membership in the Fund	7	
A/2576	Report of the Fifth Committee	8	
A/C.5/L.242	Draft report of the Fifth Committee		Same text as A/2576
A/C.5/L.247	Australia and Canada: draft resolution		For the text see A/2576, para. 24, draft resolution II
A/RESOLUTION/141	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 772 (VIII)</i>
A/RESOLUTION/142	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Ibid., resolution 773 (VIII)</i>



Agenda item 48: Organization of the Secretariat

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DOCUMENT A/2554

Report of the Secretary-General

[Original text : English]
[12 November 1953]

I. INTRODUCTION

1. The question of the organization of the Secretariat has been a matter of debate in the Fifth Committee at the sixth and seventh sessions of the General Assembly and has been repeatedly discussed by the Advisory Committee on Administrative and Budgetary Questions at its sessions over the same period. At its sixth session, the General Assembly, in the course of a discussion on the organization of and relationships among the Departments of Economic Affairs and Social Affairs and the Technical Assistance Administration, broadened the scope of the review to be made of the Secretariat's organizational pattern and requested the Secretary-General to study the whole structure and functions of the three units concerned, as well as the system of co-ordination between them, within the context of a wider reorganization of the Secretariat.

2. Pursuant to the above request, the first Secretary-General presented to the General Assembly at its seventh session a memorandum on the organization of the Secretariat¹ in which he reviewed its operation, indicated areas in which economies might be made, suggested a regrouping of activities and proposed a new scheme for the central organization of the Secretariat. The Secretary-General proposed that the present departmental structure should, in general, be maintained and the departments grouped under three deputy secretaries-general. Thus, under that arrangement, there would have been a Deputy

for Political and Public Affairs, another for Economic and Social Affairs and a third for Administrative and Conference Services. The report was not dealt with definitively at the seventh session, and the Secretary-General, by General Assembly resolution 681 A (VII) of 21 December 1952, was asked to present a report on the question of reorganization of the Secretariat at the eighth session. In the meantime Mr. Trygve Lie resigned and I took office on 10 April 1953. In my statement to the Fifth Committee on 30 September 1953 (379th meeting), based on my experience during the first months of my incumbency, I expressed my belief that a measure of streamlining could be undertaken, provided a greater degree of elasticity in the use of staff, which alone would make it possible to carry the burden more economically, could be successfully developed. At that time I was not yet ready to make any specific recommendations.

3. The Preparatory Commission, in making its report on the organization of the Secretariat, subsequently accepted by the General Assembly in 1946, was guided in part by the special organizational requirements flowing from implementation of the United Nations Charter, in part by the experience of the League of Nations, and in part by the administrative concepts and practices of various Member States. The Secretariat so organized has now been in operation for nearly eight years. In many respects it has functioned smoothly and effectively. But sufficient time has now passed and adequate experience has been accumulated to permit a re-examination of some of the premises upon which the Secretariat is organized and a revaluation of its structure in the light of the special character of its operation.

¹ See *Official Records of the General Assembly, Seventh Session, Annexes, agenda item 69, document A/2214, part I.*

4. Article 7 of the Charter establishes the Secretariat as one of the principal organs of the United Nations. The Charter, in Chapter XV, outlines the status and main political responsibilities of the Secretariat and of the Secretary-General as chief administrative officer of the Organization. In the wider context of the bodies which together form the United Nations family the Secretariat has its special place and responsibilities. A good and efficient Secretariat, serving as it does on a year-round basis, has an important part to play in advising and assisting the inter-governmental organs of the United Nations in carrying out their decisions, and in maintaining continuous relations with the governments of Member States and with the public.

5. The general scope of the activities of the Secretariat is determined by the obligations resulting from the concerted efforts of governments of Member States to resolve important short-term and long-term problems of mutual concern with the aid of the agencies at their disposal within the United Nations family. The work of the Secretariat must be carried on in the most efficient and economical way, but it would be against the interest of Members and against the very spirit of the Charter if economies were permitted to become ends in themselves. Economies should result from the greatest possible efficiency and a continuing self-criticism as to the way in which various tasks are carried out. It is incumbent on the governments of Member States carefully to consider what balance to strike between tasks to be entrusted to the Secretariat and the desire to keep costs down. In this respect the Secretary-General also has responsibilities. It is his duty to draw attention to tasks that may have become obsolete, with ensuing possibilities for a reduction of the work-load, and to possible objections, on administrative or other grounds, to the adoption of new proposals. He has equally the responsibility to draw the attention of Members in the General Assembly and other organs to such essential needs for new action as he sees developing.

6. Thus, an examination of the organization of the Secretariat must be made with full recognition of its basic responsibilities as one of the principal organs for the carrying out of United Nations objectives. It is also necessary to recognize the dynamic character of that task, calling as it does both for efforts in new directions and for a revision of previous decisions the original importance of which has been reduced by later developments.

7. The views expressed and the conclusions reached in the present report accordingly approach the problem of economy not from the financial but from the substantive angle. I am convinced that this approach, which recognizes equally the need for the greatest possible efficiency and the necessity of meeting to the full the requirements of a developing United Nations policy, is the soundest approach also to the problem of budget savings.

8. The special responsibilities of the Secretariat and its place within the United Nations family raise administrative problems for which there is no parallel in a national administration. It is the responsibility of the Secretary-General in his recruitment policy to provide for an equitable and wide geographical distribution within the Secretariat. In carrying out this responsibility, the Secretary-General is inevitably confronted with difficult organizational problems and with the necessity of properly balancing various experiences and approaches. It is also obvious that wide geographical distribution creates many staffing problems not present in national civil service systems. These factors must be taken into account when considering the problem of efficiency and sound administration in the United Nations Secretariat. Basic adminis-

trative considerations must shape the policy of the Secretary-General who, under the Charter, is responsible for appointments even of the highest posts in the Secretariat. He must, moreover, in the very interest of sound administration, try to achieve the greatest possible degree of continuity. In making his appointments he is under an obligation to provide for wide geographical distribution, but in doing so he must remember that, while the Secretariat is the instrument of a political organization, the Charter does not intend that political considerations appropriate to other organs of the United Nations should jeopardize the independence and truly international character of the Secretariat or open the door to undue influence on the Secretary-General's personnel policy.

II. GENERAL CONSIDERATIONS

9. Taking as a basis the report of the first Secretary-General, I started in the early days of my incumbency a study of the organizational arrangements that might be made in order to increase efficiency and achieve economies and to ensure a well-balanced distribution of responsibilities in the interest of sound administration. I soon found it necessary to extend this review of the administration, and for that reason I initiated in July certain detailed studies within each department. In the course of the following months, I have also observed closely the working of the Secretariat, both before and during the General Assembly sessions, thus broadening the personal basis for my review, which is being pursued with the help of a special working group under my chairmanship.

10. The main conclusions at which I have arrived—confirming experiences which I have gathered in other administrations—are, first, that a streamlining of the Secretariat leading to substantial economies is not possible without a review of its substantive tasks, and, secondly, that no such economies are possible without the development of a wider degree of flexibility in the use of staff, both within and among the various organizational units.

11. In both cases the changes envisaged require time. In the first case, a careful examination must be made of the circumstances under which the various tasks have become responsibilities of the United Nations and of the Secretariat, to what extent the need for special programmes may have changed and how new approaches to various operations might best be undertaken. In certain situations no effective action will be possible without submitting the question to the General Assembly or the other organs responsible for the original decisions. With respect to flexibility, it is obvious that an improvement in administrative techniques must be the result of continuing efforts over a period of time and cannot be achieved simply by decree.

12. In the present report I wish to submit to the General Assembly, in the hope that it will give me its views and guidance, the main lines of the policy concerning the structure of the Secretariat which I propose to follow, as well as a few of the practical objectives to be attained.

III. GENERAL STRUCTURE OF THE SECRETARIAT

13. The former Secretary-General, in his memorandum to the General Assembly (A/2214), stated that the organizational plans developed by the Preparatory Commission "were well conceived for the initial period of the Organization's life". The establishment of the Secretariat in eight departments and the Executive Office of the Secretary-General corresponded with the requirements for servicing organs for generally meeting the needs of the United Nations in other respects.

14. Experience has demonstrated that in one or two areas some adjustments in the organizational pattern could now very well be made.

15. Leaving aside at this stage the question of the central organization of the Secretariat at its top levels, I consider that the following modifications in structure would contribute to the effectiveness of the Secretariat by clarifying the lines of authority and facilitating the formulation of over-all policy, as well as the planning and co-ordination of programmes and the use of staff.

16. The Secretary-General has at present, directly assisting him, an Executive Office. I consider that three further offices should be given the same position, i.e. offices under the immediate and personal direction of the Secretary-General. The three offices concerned would be a Personnel Office to replace the present Bureau of Personnel, a Finance Office to replace the present Bureau of Finance, and a Legal Office to replace the present Legal Department. The present Department of Administrative and Financial Services as such would disappear.

17. With the suggested arrangement, the Executive Office of the Secretary-General would continue its functions of assisting the Secretary-General in the duties described in the Administrative Manual, Volume I, Chapter II. The control of the Secretary-General over personnel and financial matters would become more direct, and the position of the officials responsible for these matters, who would act directly on the Secretary-General's behalf, would be clarified in relation to the substantive and service departments. Similarly, the change from Legal Department to Legal Office would reflect more clearly its role in providing legal advice to the Secretary-General and in acting on his behalf in legal matters. The concentration of administrative responsibility at the centre should lead to a simplification of procedures and have a good effect in the day-to-day administration. In this way the suggested arrangement should result in economies.

18. Concerning the other departments I suggest the following arrangements. The Departments of Economic Affairs and Social Affairs, which already serve under one Assistant Secretary-General, should be co-ordinated as one department to the full extent that follows from this arrangement. The Department of Conferences and General Services should be divided into two units, a Department of Conference Services and an Office of General Services. The Department of Political and Security Council Affairs, the Department of Trusteeship and Information from Non-Self-Governing Territories and the Department of Public Information should be maintained on the present basis as separate departments. Finally, the Technical Assistance Administration, which has a special position in the Organization, should be maintained as an independent unit. Its close co-ordination with the new Department of Economic and Social Affairs should be supervised directly by the Secretary-General.

19. The many necessary points of contact in the work programmes of the present Departments of Economic Affairs and Social Affairs justify a co-ordination for reasons of administrative efficiency and the most effective servicing of the Economic and Social Council. It is difficult to say at this stage to what extent the changes would lead to economies, but in this case also a foundation would be laid for a rational development making possible reasonable economies by a fuller integration of work. Similar reasons might be advanced for an amalgamation of the Technical Assistance Administration with the Department of Economic and Social Affairs. If I do not suggest such a change, it is because I consider that the possible gain from the point of view of co-ordination and efficiency would be more than outweighed

by the disadvantage of not having an independent unit in charge of this special activity with its widespread operations in Member and non-member countries, and its working relations with other technical assistance programmes, whether inside or outside the family of the United Nations. The present Department of Conference and General Services is of a magnitude leading to certain administrative difficulties. Now that the Secretariat has settled down in its permanent Headquarters and the pattern of services and the use of space are well established, the desirability of maintaining Conference Services and General Services in a single department has disappeared.

20. The plans set out above would call for certain adjustments of responsibilities among various departments and in administrative controls; they would also call for the transfer of certain units such as the Library and the Field Service. I do not consider it necessary to go into detail concerning these or other changes, as such matters can best be settled in the light of the Assembly's views on the main proposals which I make here.

IV. CHANGES IN THE CENTRAL ADMINISTRATION OF THE SECRETARIAT

21. I come now to the question of the central organization of the Secretariat at its top levels. The present arrangement consists of two top echelons under the Secretary-General, i.e. one echelon of Assistant Secretaries-General and one of Principal Directors. The original intention was to create in the Assistant Secretaries-General a group of officials broadly representative of the Member nations, on the highest responsible level, who, in addition to being heads of departments, would serve the Secretary-General in a representative capacity with individual Member countries and groups of countries. Under them the Principal Directors were intended to function as the administrative officials charged with the conduct of operations of the various departments. Experience has shown, however, that the creation of permanent national delegations at the Headquarters of the United Nations has given opportunities for a continuous and close contact between the Secretary-General personally and the various governments; the work of the Assistant Secretaries-General has thus been largely related to the direction of the various departments. I have found the arrangement, as it has developed, difficult to justify.

22. In view of the considerations set out above, I believe that the reconstituted departments should be headed by one echelon of officials instead of two. The responsibilities of the officials occupying the new posts would be essentially administrative, as in the case of the Principal Directors. Such political responsibilities as they may be required to exercise in particular areas or on particular issues would, in keeping with the principles of the Charter, be theirs by delegation from the Secretary-General. Their political responsibilities thus would clearly be exercised on the personal responsibility of the Secretary-General. The new officials may, in the light of their functions as here defined, properly be named Under-Secretaries.

23. The basic salaries of the Under-Secretaries should be the same as those of the present Principal Directors. However, it may prove necessary to adjust the emoluments of the Under-Secretaries by special allowances. These allowances have to be considered in the light of the responsibilities and status of the Under-Secretaries in relation to those of the executive heads and senior officers of the specialized agencies in the United Nations family. Account may also have to be taken of the special responsibilities of the heads of some of the departments of the

Secretariat. Finally, it may be found advisable to leave to the Secretary-General possibilities of taking into account also the special qualifications of candidates.

24. In the light of experience it may be found necessary, in exceptional cases, for example in the new Department of Economic and Social Affairs, to give Under-Secretaries the assistance of Deputy Under-Secretaries. It may also, in the further elaboration of the Organization, be found that there is a need for one or two Under-Secretaries without portfolio, serving as advisers to the Secretary-General on special questions.

25. In view of the last considerations it is difficult to say now what reduction of the top staff would result from the proposals made. Some reduction there will be, but the main economies achieved, in this as in other cases, would follow rather from the improvement of the administrative arrangements than from a reduction in the number of posts.

26. As I have already mentioned, my predecessor, in his report on the organization of the Secretariat to the seventh session of the General Assembly, proposed the creation of three posts of deputy secretaries-general to replace the present posts of Assistant Secretaries-General. Each one of the three deputy secretaries-general would have been placed, under the Secretary-General, in charge of a group of departments. After reflection, I have not found sufficient reason for such an arrangement, which, by introducing a new level between the Secretary-General and the departments, might encumber procedures without adding compensating substantive advantages from either the political or the administrative point of view. I would, however, like to reserve my opinion on one point. If experience were to show that the proposed arrangement became too heavy and time-consuming for the Secretary-General, it might be desirable to create one post of Deputy Secretary-General. I make this observation only by way of a general reserve and not as a proposal to the Assembly.

V. CONCLUSIONS

27. On the basis of the policies and arrangements set forth above, and with the full co-operation of the organs of the United Nations as suggested earlier in the present report, I hope to be able to achieve a reduction in the over-all budget of the United Nations of one million

dollars over the coming fiscal year. The incidence of this saving can only be determined as the review of the Secretariat operations proceeds and in the light of the decisions of other organs of the United Nations as they affect the work-load.

28. The abolition of posts involved in the process of reorganization and review need not affect the existing staff to any important extent. Most of the abolitions can be absorbed by the normal turnover of staff.

29. I referred earlier to the special responsibilities of the Secretariat as one of the principal organs of the United Nations, to its place in the United Nations family, and to special administrative problems arising because of its international nature. I also stressed that the United Nations operations are of a dynamic nature, calling both for a cancelling of activities which have become obsolete and for expansion into new fields. An important aspect of the problem of flexibility is the capacity of the Secretariat to adjust quickly and adequately to the changing needs which the United Nations has to serve.

30. The proposals set out in the present report aim at creating the basis for a sound administration with the best possible co-ordination of the various Secretariat activities; thus, the approach is wholly from the angle of substance and efficiency. I have indicated that these proposals, together with a review, with the full co-operation of the organs concerned, of the tasks undertaken by the United Nations and the development, step by step, of increased flexibility in administrative procedures and the use of staff, are likely to lead to considerable economies. This is important, but the economies aimed at and anticipated are the expression not of a policy of contraction but of a policy aimed at fulfilling, at the lowest possible cost, the tasks of the Secretariat, as they arise out of the general development of the United Nations.

31. I have not raised in my report any of the important organizational problems relating to the co-ordination of the activities of the Secretariat at Headquarters with those of, for example, the regional commissions and the High Commissioner for Refugees. The solution to be reached on these questions will be influenced by the attitude taken on the issues discussed here. These questions, and other related problems, thus will be subject to further study, the results of which will be put before the General Assembly at its next regular session.

DOCUMENT A/2606

Thirty-sixth report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[5 December 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General on the question of the organization of the Secretariat (A/2554). Paragraphs 1 and 2 of that document set out the circumstances in which the report has been prepared, while other paragraphs show that the Secretary-General has not attempted, in the time available, the full report on the reorganization of the Secretariat requested in General Assembly resolution 681 A (VII) of 21 December 1952.

2. The Advisory Committee therefore construes the Secretary-General's report as outlining the broad framework of his proposals for future action, the further details of which will in due course be filled in. The report is also tentative in character, in the sense that neither the General Assembly nor the Secretary-General would, as

the Advisory Committee sees the position, feel bound in detail by all the formulae or suggestions which the report contains.

3. The fact must nevertheless be noted that certain far-reaching changes may be introduced during 1954 in the administrative structure of the Secretariat, and, since these cannot prudently be undertaken on a tentative basis, they must be studied with as much care as possible in the time remaining to the Assembly at its current session. The report adumbrates a programme of administrative action and the methods that are suggested for its fulfilment. In the penultimate paragraph, the Secretary-General defines his approach to the problem as being "wholly from the angle of substance and efficiency". His outline programme, if combined with a review of the tasks performed by the United Nations and with an

increased flexibility in administrative procedures and the use of staff, is likely, in his opinion, to lead to considerable economies. But such economies are important as expressing not a policy of contraction but rather a policy aimed at fulfilling, at the lowest possible cost, tasks arising out of the development of the Organization.

4. With the broad outlines of the suggested programme the Advisory Committee is in general agreement and, since the detailed procedure for giving effect to that programme falls largely within the Secretary-General's province, its observations are limited to points which the Secretary-General himself raises.

5. A specific suggestion is put forward, as regards the administrative organization of the Secretariat, to vary the structure laid down by the General Assembly in resolution 13 (I) of 13 February 1946. It is therefore important to note that, after a general preamble stipulating that the "organization of the Secretariat should be so designed as to enable the work of the Secretariat to be conducted with the greatest possible efficiency", and an indication in paragraph 2 of the eight departments which the Secretariat should comprise, the resolution goes on to authorize the Secretary-General to appoint Assistant Secretaries-General without specifying their number, and, finally, in paragraph 4, to request him to "make such changes in the initial structure as may be required to the end that the most effective distribution of responsibilities and functions among the units of the Secretariat may be achieved". Therefore, it follows that the General Assembly did not desire to impose a rigid or perpetual adherence to the structure projected in 1945 and 1946. Furthermore, during the intervening years the plan elaborated by the Preparatory Commission and adopted by the General Assembly at its first session has undergone in fact, though not in principle, extensive changes. Thus, two posts of Assistant Secretary-General, though still figuring in the annual budget of the Organization, have been in abeyance for some time and the Departments of Economic Affairs and Social Affairs have been brought under a single administrative head. In addition, a new unit, the Technical Assistance Administration, was established in 1950 and placed in the charge of a Director-General with a salary equivalent to that of an Assistant Secretary-General.

6. Cogent arguments appear in paragraphs 21 and 22 of the report in favour of the substitution for the two highest levels under the Secretary-General of a single supervisory level, and the Advisory Committee concurs in this proposal. Furthermore, the Secretary-General states that the responsibilities of officials occupying posts at that level would be essentially administrative, and he proposes that they should be named Under-Secretaries. While agreeing that a change of title might be desirable, the Committee suggests that the precise wording should be left to the General Assembly.

7. It is evident that the structure of the Secretariat at the highest levels, together with problems connected with the geographical distribution of the staff, may raise important issues of a political nature. The Committee does not doubt that these problems will receive the most careful consideration. Its present comments on the Secretary-General's proposals have been made solely from their administrative angle and without reference to other questions, including those of a political nature, to which those proposals may give rise.

8. As regards the remuneration proposed for officials at the supervisory level, the Advisory Committee would be in favour of achieving necessary variations through a gradation of the salary rates according to the responsibilities of each individual post.

9. The suggested modifications in structure, while generally acceptable, disclose certain points of ambiguity or possible weakness. There is good ground for the conversion of the Legal Department into a Legal Office under the immediate, personal direction of the Secretary-General. On the other hand, a similar action in respect of Administrative and Financial Services, unless regarded as a temporary measure for the next two years, seems open to certain doubts because of the risk that the authority of those functions may be reduced. To these the Secretary-General refers by implication when touching upon the possibility that the proposed general arrangements may prove too heavy and time-consuming for the Secretary-General. The Advisory Committee, though reluctant in a study of outline proposals to enter into points of detail, suggests that the status of the heads of Offices in relation to that of officials at the highest administrative level merits close attention. The Secretary-General expresses the view that his control over personnel and financial matters would become more direct (A/2554, paragraph 17). The authority of those functions would thereby be increased. The Advisory Committee considers, in this connexion, that the grading of the heads of the Finance and Personnel Offices should be such that, without derogating from the over-all control and responsibility of the Secretary-General, he should not be required to shoulder an unduly heavy burden in respect of those Offices.

10. The Secretary-General's report indicates that "with the suggested arrangement [the addition of three offices] the Executive Office of the Secretary-General would continue its functions of assisting the Secretary-General in the duties described in the Administrative Manual, Volume I, chapter II" (A/2554, paragraph 17). It would be the expectation of the Advisory Committee that certain of the functions in question would be reviewed, as part of the general reorganization, with a view to their possible transference to a more suitable location within the substantive departments.

11. Similarly, the Advisory Committee has doubts about the continued separation of the Technical Assistance Administration from the unified Department of Economic and Social Affairs, in that the Administration seems to form a natural and integral part of its substantive counterpart in economic and social affairs. Due note must, however, be taken of the Secretary-General's opinion that the possible gain to be derived from such a fusion would be far outweighed by the disadvantage of not having an independent unit for technical assistance. The Committee accordingly limits itself to a tentative suggestion that, in this matter also, the maintenance of a separate unit for the performance of functions that are almost exclusively substantive might be regarded as a provisional measure, to be reviewed within two years' time.

12. In conclusion, the Advisory Committee wishes to emphasize its view that the Secretary-General's proposals are in general well conceived. The foregoing observations are therefore offered not in criticism of those proposals, but as suggestions that may be found worthy of study during the working out of detailed proposals for submission to the General Assembly. Indeed, it is the opinion of the Advisory Committee that, within the limits set by the Secretary-General himself in his report, the fullest scope should be afforded for the improvements in the organization of the Secretariat which the Secretary-General's proposals are intended to accomplish, and for the achievement of the financial savings contemplated for 1954 in his report.

DOCUMENT A/2625

Report of the Fifth Committee

[Original text : English]
[9 December 1953]

1. By resolution 681 A (VII) of 21 December 1952, the General Assembly, at its seventh session, decided to include the question of the organization of the Secretariat in the provisional agenda of its eighth session. Pursuant to that resolution, the Secretary-General issued a report (A/2554) indicating the main lines of his approach to the problem of streamlining the Secretariat and outlining the broad framework of his proposals for future action. The Advisory Committee on Administrative and Budgetary Questions offered its comments on the Secretary-General's proposals in its thirty-sixth report to the eighth session of the General Assembly (A/2606). It was on the basis of these two reports that the Fifth Committee, at its 427th, 428th and 429th meetings, held on 8 and 9 December 1953, reviewed the question of the reorganization of the Secretariat, which the General Assembly, at its 435th plenary meeting on 17 September 1953, had referred to the Fifth Committee for consideration.

2. In its report, the Advisory Committee stated its general agreement with the broad outlines of the Secretary-General's suggested programme, while recognizing, however, the tentative character of that programme. It considered, nevertheless, that certain substantial changes might be introduced during 1954 in the administrative structure of the Secretariat and that, in consequence, it would be prudent for the General Assembly to study the proposals with as much care as possible in the time remaining at the current session. It was with this point in mind that the Advisory Committee had limited the observations in its report to those specific questions which the Secretary-General, recognizing their significance, had himself raised, and upon which he was looking to the General Assembly for its views and guidance.

3. The Secretary-General, in introducing his report at the Committee's 427th meeting, expressed his great satisfaction at the essential agreement between the Advisory Committee and himself on the proposals as a whole. Since the Advisory Committee had expressed some reservation on certain points or had urged a cautionary approach regarding them, the Secretary-General, in amplification of his report, addressed himself primarily to these particular matters. While concurring in the suggestion for the abolition of the existing two top levels in the Secretariat and the introduction of a new unified top level, the Advisory Committee had drawn attention to the issues of a political nature to which such action would give rise because of the impact it might have on the question of national representation. The Secretary-General stated that, in making his proposals, he had been faced with two possibilities—either he could start out from the political angle, consulting the governments most directly concerned, and frame his proposals upon that basis; or he could outline what seemed to him to be the most rational administrative arrangement, submit it to the General Assembly for preliminary consideration, and undertake consultations with governments on the basis thus established. He did not believe that the former course would have been a wise procedure, since it would have been difficult under such an arrangement to have presented to the General Assembly a plan which set out in clear terms what was in his opinion the best possible administrative arrangement. Having chosen the latter line, the Secretary-General stated that his next step would necessarily be to undertake such consultations as might be necessary in order to see how the main political

considerations could be taken into account and to what extent his optimum plan would have to be adjusted in order to meet those considerations. If he then found it impossible to establish what he considered to be a proper balance on the top level in respect of national representation, he would have to present to the General Assembly at its ninth session definite plans for the organization of the Secretariat which might depart from his present proposals. In this case he would inform the Assembly of the reasons for such deviations. The Secretary-General emphasized, however, that under the Charter it was for him to decide on the recruitment of persons filling top level posts in the Secretariat, as well as on the distribution of responsibilities between officials on that level. The Secretary-General underlined the fact that at the present juncture he was requesting of the General Assembly preliminary consideration and advice. The final decisions of the General Assembly would have to be taken on the basis of his proposals in the budget estimates for 1955. But if the Fifth Committee and the General Assembly were to endorse the general attitude of the Advisory Committee, he would go ahead with the organization plans on the basis of his report to the extent that this could be done without in any way encroaching on the rights of the Fifth Committee or of the General Assembly to decide finally on such matters.

4. The Secretary-General agreed with the Advisory Committee that his assumption of direct responsibility for the present functions of the Assistant Secretary-General in charge of Administrative and Financial Services in relation to personnel and financial questions should only be taken on a tentative basis in view of the heavy workload which would devolve on the Secretary-General. For that reason he proposed that the arrangements should be reconsidered at a later date, perhaps after two years' experience. He felt, nevertheless, that at the present juncture no more effective way existed of ensuring to those officials directly concerned with financial and personnel matters the authority which they should clearly have, than to let them speak directly on behalf of the Secretary-General in their relations with the substantive departments. It was important, moreover, that the Secretary-General himself should assume in these important questions the greatest possible measure of personal responsibility.

5. Discussion of the Secretary-General's proposals revealed a wide measure of support. Although various delegations entertained certain doubts and expressed reservations or objections on specific points, it was the consensus of opinion that the proposals were in general well conceived and represented a constructive and promising step towards securing those improvements in the organization and structure of the Secretariat which many members had for long felt to be highly desirable.

6. Representatives who participated in the discussion unanimously expressed their confidence in the capacity of the Secretary-General to carry through his reforms in a manner which would meet with the approval of the governments of Member States and which, if combined with a review of the tasks performed by the United Nations and with an increased flexibility in administrative procedures and in the use of staff, would lead to substantial economies. Accordingly, it was urged that the Secretary-General should be given full authority to

proceed along the lines he had tentatively suggested without necessarily waiting for the General Assembly at its ninth session to pass in detail upon arrangements which, in any event, fell largely within his administrative jurisdiction. It was suggested that the detailed implementation of the broad plans which the Secretary-General had outlined in his report could best be left to the Secretary-General himself in consultation from time to time with the Advisory Committee.

7. Most delegations welcomed the proposal for merging the two highest levels immediately below the Secretary-General into a single supervisory level, having regard to the considerations set forth in the Secretary-General's report, and further elaborated by him in his statements before the Fifth Committee. Some representatives however, while in general agreement with the other main features of the proposed reorganization, voiced their objection to the abolition of the post of Assistant Secretary-General. Such a change, it was contended, would be in violation of the "gentleman's agreement" made in 1946 for the distribution of top level posts among nationals of Member States; moreover, it would not be in conformity with the decisions taken by the General Assembly itself as embodied in resolutions adopted at the first session relating to the structure and staffing of the Secretariat. The Secretariat had functioned smoothly for the past eight years on the basis of the London decisions; it would therefore be a grave mistake to change so radically the functions and roles of the Assistant Secretaries-General by replacing them with Under-Secretaries whose responsibilities would be of an essentially administrative character.

8. With reference to this feature of his proposals, the Secretary-General explained that the functions of the proposed Under-Secretaries would correspond very closely to those being performed by the Assistant Secretaries-General at the present time. These functions, however, did not in all respects correspond with those which were envisaged at the time the Organization was created. In point of fact, the Assistant Secretaries-General were mainly administrative officials whose responsibilities were largely confined to the supervision of their respective Departments; due partly to the establishment of permanent delegations and partly to other reasons, they had not functioned in the wider diplomatic sense which had been contemplated earlier.

9. Several delegations, while accepting in principle the Secretary-General's tentative proposals with respect to the central administration of the Secretariat, were doubtful as to the wisdom of the suggested change in title from Assistant Secretary-General to Under-Secretary. Some were inclined to favour the retention of the existing titles, since any change might imply a diminution in the importance and responsibilities of the top posts. In any event, the need was stressed, due regard being paid to political and geographical considerations, of securing the best men available.

10. While a number of delegations voiced certain misgivings with respect to the creation of an Office of Finance and an Office of Personnel in place of the present Department of Administrative and Financial Services, others felt that the more direct responsibility to be assumed by the Secretary-General himself for financial and personnel matters should not result in any lessening of the authority pertaining to those functions. Most representatives expressed satisfaction with the assurances given by the Secretary-General in this respect.

11. Concern was expressed lest the proposed arrangements, particularly the additional responsibilities which would devolve upon the Secretary-General, might prove

too heavy and time-consuming by adding unduly to the Secretary-General's administrative burdens at the expense of his political responsibilities. In this connexion, it was suggested that serious difficulties might arise should the Secretary-General himself have to be absent from Headquarters for extensive periods. It was, therefore, felt by some delegations that there was much to be said for an arrangement under which the Secretary-General would have final authority for, but would not be directly involved in, day-to-day decisions on strictly administrative matters. For these reasons, among others, some delegations expressed their readiness to give sympathetic consideration to any request which the Secretary-General might later feel obliged to make for the appointment of a deputy. The merger of the Departments of Economic Affairs and Social Affairs was generally welcomed, although doubt was expressed as to whether a fully consolidated department might not be beyond the optimum size for maximum efficiency. On the other hand, several representatives indicated their regret that the proposed merger did not also include the Technical Assistance Administration (TAA), since the maintenance of that department as a separate unit would inevitably make for a good deal of duplication. The hope was, therefore, expressed that the Secretary-General would find it possible to bring about the closest possible association between the Department of Economic and Social Affairs on the one hand, and TAA on the other.

12. The question was raised by one delegation whether the Department of Public Information should be placed on the same level as substantive departments, in view of the fact that it was primarily a service department. This was a consideration which, it was felt, should influence the place and status which public information services should occupy within the framework of a reorganized Secretariat.

13. In commenting on the proposed structure of the Secretariat at the highest levels, many representatives stressed the necessity of paying particular attention to the problem of ensuring wide geographical distribution of the staff. The requirement of Article 101 of the Charter, if it was to be properly and adequately applied, called for a balanced geographical distribution of posts in the higher policy-making levels, no less than throughout the Secretariat as a whole. The hope was expressed, in this connexion, that the Secretary-General would bear in mind the interests of the smaller Member States no less than those of the larger Powers. At the same time, the importance was emphasized of taking advantage of any general reorganization to improve the quality, as well as the geographical distribution, of the staff. In so far as any conflict might arise between considerations of geography on the one hand, and considerations of quality on the other, it was the view of some delegations that the latter should always prevail.

14. Certain delegations indicated their unreserved endorsement of the considerations set forth by the Secretary-General in paragraphs 5 and 23 of his report (A/2554). Many representatives also expressed substantial agreement with the observations of the Advisory Committee as set forth particularly in paragraphs 6 to 11 of its thirty-sixth report (A/2606).

15. Virtually all delegations associated themselves both with the view expressed by the Secretary-General that the basic approach to the problem of the reorganization of the Secretariat should be wholly from the angle of substance and efficiency, and with his main conclusions—first, that a streamlining of the Secretariat leading to substantial economies was not possible without a review of its substantive tasks, and secondly, that no such economies

were possible without the development of a wider degree of flexibility of staff, both within and among the various organizational units. It was generally agreed that the economies aimed at and anticipated should be the expression not of a policy of contraction, but of a policy aimed at fulfilling, at the least possible expense, the tasks of the Secretariat as they arose out of the general development of the United Nations.

Recommendation of the Fifth Committee

16. In the light of its discussion, the Fifth Committee at its 429th meeting on 10 December 1953 approved, by 40 votes to 5, the following draft resolution suggested by the Chairman, and accordingly recommends the adoption of the draft resolution by the General Assembly :

ORGANIZATION OF THE SECRETARIAT

The General Assembly

1. *Takes note* of the proposals of the Secretary-General in his report on organization of the Secretariat (A/2544) and of his statement to the Fifth Committee at its 427th meeting ;

2. *Recommends* that the Secretary-General should, to the extent possible, proceed along the lines he has proposed and prepare his 1955 budget estimates within the broad framework of these proposals, taking account of the observations and suggestions of the Advisory Committee on Administrative and Budgetary Questions contained in its thirty-sixth report to the eighth session of the General Assembly (A/2606) and of the views expressed in the Fifth Committee at its 427th and 428th meetings held on 8 December 1953.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 784 (VIII).

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/2554	Report of the Secretary-General	1	
A/2606	Thirty-sixth report of the Advisory Committee on Administrative and Budgetary Questions	4	
A/2625	Report of the Fifth Committee	6	
A/C.5/L.269	Draft report of the Fifth Committee		Same text as A/2625
A/RESOLUTION/193	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 784 (VIII)</i>

GENERAL
ASSEMBLY

Official Records

ANNEXES ✓

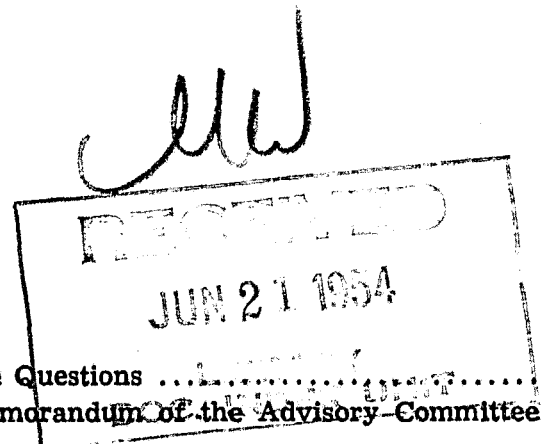
EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 49: Report of the Committee on Special Administrative Questions

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DOCUMENT A/2429

Report of the Committee on Special Administrative Questions¹[Original text : English]
[3 August 1953]

1. On 21 December 1952, the General Assembly adopted resolution 681 B (VII), which provides as follows :

"The General Assembly,

"Noting paragraphs 38 to 45 of the memorandum² of the Secretary-General on the administration of the United Nations,

"1. Decides to refer these paragraphs to a Committee composed of representatives of the following eleven Members: Australia, Belgium, Brazil, Chile, China, Dominican Republic, Greece, Iraq, Norway, Pakistan and Poland, to meet in the interval between the seventh and eighth sessions of the General Assembly, and to report thereon to the General Assembly at its eighth session ;

"2. Invites the Secretary-General to submit to the Committee such proposals as he may wish to make on the matters dealt with in the above-mentioned paragraphs ;

"3. Requests the Secretary-General to circulate the report of the Committee, with the comments of the Advisory Committee on Administrative and Budgetary Questions, to all Members four weeks before the opening of the eighth session of the General Assembly."

¹ The present report replaces the preliminary report of the Committee circulated on 14 May 1953 (document A/2393).

² See *Official Records of the General Assembly, Seventh Session, Annexes, agenda item 69, document A/2214.*

2. The Committee on Special Administrative Questions held its first two meetings on 4 and 8 May 1953 and a third meeting on 3 August. During the meetings, the Members appointed by the General Assembly were represented as follows :

Australia : Mr. K. G. Brennan, Mr. J. G. Petherbridge ;
Belgium : Mr. Georges Cassiers, Mr. J. Woulbroun ;
Brazil : Mr. Luiz Bastian-Pinto ;
Chile : Mr. Rudecindo Ortega Massôn ;
China : Mr. Ching-Lin Hsia, Mr. C. H. C. Kiang ;
Dominican Republic : Mr. Joaquín Salazar, Mr. L. Romanacce Chalas ;
Greece : Mr. Alexis Kyrou ;
Iraq : Mr. Awni Khalidy ;
Norway : Mr. Erik Dons ;
Pakistan : Mr. Viqar Ahmed Hamdani ;
Poland : Mr. Eugeniusz Kulaga.

3. The following officers were unanimously elected : Mr. Hamdani (Pakistan), Chairman ; Mr. Bastian-Pinto (Brazil), Vice-Chairman ; and Mr. Brennan (Australia), Rapporteur.

4. At the first meeting, the representative of Poland submitted a draft resolution concerning the representation of China, which was ruled out of order by the Chairman. The Chairman's ruling was challenged by the representative of Poland, and was upheld by the Committee.

5. The Committee had before it a memorandum by the Secretary-General (A/AC.68/1). The memorandum stated that, under General Assembly resolution 681 B (VII) and in accordance with the report of the Fifth Committee (A/2344), the tasks of the Committee were: (1) the study of paragraphs 38-45 of the memorandum by the Secretary-General on the administration of the United Nations (A/2214); (2) the study of rules 154-156 of the rules of procedure of the General Assembly concerning the Advisory Committee on Administrative and Budgetary Questions; and (3) the study of the Statute of the Administrative Tribunal.

6. With respect to the first task, the memorandum stated that after further study of the question, and particularly in the light of observations made during the course of the discussion in the Fifth Committee, the Secretary-General found himself unable to maintain the suggestion made in paragraphs 33-45 of the original memorandum, namely, that membership of the Advisory Committee on Administrative and Budgetary Questions should disqualify a person from service as a member or alternate in the Fifth Committee and that membership of the Administrative Tribunal should disqualify a person from service as a governmental representative on legislative committees of the General Assembly. With regard to the second task, the Secretary-General, after consideration of the matter, had no suggestion to make. As to the third task, the Secretary-General believed it premature to consider amendments to the Statute of the Administrative Tribunal, and neither the President of the Tribunal nor the Secretary-General had any suggestions of a major or of an urgent nature which would warrant consideration by a committee. Moreover, no proposals on any of these tasks had been made by governments.

7. At the outset of the Committee's discussion, the Secretary-General stated that, before making any proposal to the General Assembly regarding the reorganization of the present administrative structure of the Secretariat, it would be his first duty to make a thorough study of the working of the Secretariat. He was, therefore, not prepared at the present stage to make definite proposals on this matter to the General Assembly. Nor was he prepared, as was stated in his memorandum, to make any proposals relating to the subjects referred to the Committee by the General Assembly.

8. With regard to the substance of the matters referred to the Committee, the representatives of Australia and China took the view that there was no incompatibility between membership in the Fifth Committee of the General Assembly and membership in the Advisory Committee on Administrative and Budgetary Questions. The

representative of Iraq associated himself with this view. The representative of China, although he wished to make no formal proposal, referred to the possibility of enlarging the membership of the Advisory Committee and of clarifying the reference to "financial experts" in rules 154 and 155 of the rules of procedure. The representative of Pakistan refrained from expressing any opinion on the substance of the matters because in his view the members of the Committee, in the absence of proposals from the Secretary-General and governments, were not called upon to express such opinions.

9. The representative of Chile thought that the Joint Appeals Board was open to criticism because the Secretary-General was both party and judge in matters coming before it. He thought, too, that the Statute of the Administrative Tribunal was defective in that decisions of the Tribunal were not binding on the Secretary-General. The Chilean delegation believed that the Statute should be amended so as to give proper protection to the staff. In reply, the Secretary-General explained that the Joint Appeals Board was a body advisory to him. It had been established with that function at the request of the staff, and included representatives of the staff.

10. All delegations concurred, however, with a proposal of the representative of Greece that the Committee should not make any recommendation on the substance of the matters referred to it, but should allow time for the Secretary-General to study those matters and to formulate any proposals he might wish to make. The Committee would hold itself ready to reconvene in case the Secretary-General or a delegation should submit proposals; otherwise, a short report should be submitted to the General Assembly merely recording the above decision.

11. On 8 May 1953, the Committee therefore adopted unanimously, with two abstentions, a resolution in which the Committee, after noting that no proposal had been submitted by the Secretary-General or by the governments of Member States, invited the Secretary-General to report to the Committee any proposal he might wish to make or which might be made by Member States. The Committee decided, furthermore, to reconvene prior to the eighth session of the General Assembly.

12. In accordance with the resolution, the Committee held a third meeting on 3 August 1953. It noted that no proposals had yet been received from governments of Member States, nor had any proposal been submitted by the Secretary-General. In the circumstances, the Committee decided not to make any recommendation at this stage to the General Assembly on the substance of the matters referred to it, but to allow Member States and the Secretary-General time for further study of the matters in question.

DOCUMENT A/2464

Note by the Secretary-General transmitting a memorandum of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[4 September 1953]

Pursuant to paragraph 3 of resolution 681 B (VII) of 21 December 1952, the Secretary-General has the honour to circulate the following memorandum transmitted to him, under a letter dated 22 August 1953, by the Chairman of the Advisory Committee on Administrative and Budgetary Questions:

REPORT OF THE COMMITTEE ON SPECIAL ADMINISTRATIVE QUESTIONS

1. The Advisory Committee on Administrative and Budgetary Questions has considered a communication of 7 August 1953 from the Secretary-General to the Chairman of the Committee on the subject of the report of

the Committee on Special Administrative Questions (A/2429) set up under General Assembly resolution 681 B (VII) of 21 December 1952 to study paragraphs 38 to 45 of the memorandum of the Secretary-General on the administration of the United Nations.

2. The Advisory Committee takes note of the decision of the Committee on Special Administrative Questions not to make any recommendation to the General Assembly at this stage on the substance of the matters referred to it. It also notes the decision of the Secretary-General (A/2429, paragraph 6) not to maintain the suggestions made in paragraphs 38 to 45 of the original

memorandum (A/2214) to the effect that (a) membership of the Advisory Committee on Administrative and Budgetary Questions should disqualify a person from service as a member or alternate in the Fifth Committee; and (b) membership of the Administrative Tribunal should disqualify a person from service as a governmental representative on legislative committees of the General Assembly.

3. In these circumstances, the Advisory Committee has no comments to offer pending the further action contemplated in paragraph 12 of the report of the Committee on Special Administrative Questions (A/2429).

DOCUMENT A/2539

Report of the Fifth Committee

[Original text: English]

[2 November 1953]

1. Resolution 681 B (VII), adopted by the General Assembly on 21 December 1952, provided for the establishment of a Committee on Special Administrative Questions to study paragraphs 38 to 45 of the memorandum by the Secretary-General on the administration of the United Nations (A/2214). In accordance with the report (A/2344) of the Fifth Committee this Committee was charged with the additional task of reviewing rules 154 to 156 of the rules of procedure of the General Assembly as well as the Statute of the Administrative Tribunal. The Committee was requested to meet in the interval between the seventh and eighth sessions of the General Assembly and to report to the General Assembly at its eighth session.

2. In accordance with the allocation of agenda items, as decided by the General Assembly at its 435th plenary meeting, the Fifth Committee, at its 392nd meeting held on 19 October 1953, considered the report presented by the Committee on Special Administrative Questions, pursuant to the above resolution (A/2429). The Fifth Committee also had before it a note from the Secretary-General transmitting the comments of the Advisory Committee on Administrative and Budgetary Questions (A/2464).

3. In view of the decision of the Secretary-General not to maintain the suggestions made in paragraphs 38 to 45 of the original memorandum (A/2214) to the effect

that (a) membership of the Advisory Committee on Administrative and Budgetary Questions should disqualify a person from service as a member or alternate member in the Fifth Committee; and (b) membership in the Administrative Tribunal should disqualify a person from service as a governmental representative on legislative committees of the General Assembly, and in view also of the decision of the Committee on Special Administrative Questions not to make any recommendations at the present stage to the General Assembly on the substance of the matters referred to it, the Fifth Committee agreed, without discussion, to take note of the Committee's report and of the observations thereon of the Advisory Committee.

Recommendation of the Fifth Committee

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

REPORT OF THE COMMITTEE ON SPECIAL ADMINISTRATIVE QUESTIONS

The General Assembly

Takes note of the report of the Committee on Special Administrative Questions (A/2429) and of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions (A/2464).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 456th plenary meeting, on 3 November 1953, the General Assembly adopted the above draft resolution, submitted by the Fifth Committee. For the final text, see resolution 764 (VIII).

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/2214	Explanatory memorandum by the Secretary-General		<i>Official Records of the General Assembly, Seventh Session, Annexes, agenda item 69</i>
A/2344	Report of the Fifth Committee		<i>Ibid.</i>
A/2393	Preliminary report of the Committee on Special Administrative Questions		Mimeographed document only
A/2429	Report of the Committee on Special Administrative Questions ..	1	
A/2464	Note by the Secretary-General transmitting a memorandum of the Advisory Committee on Administrative and Budgetary Questions	2	
A/2539	Report of the Fifth Committee	3	
A/AC.68/1	Committee on Special Administrative Questions: memorandum by the Secretary-General		Mimeographed document only
A/C.5/L.248	Draft report of the Fifth Committee		Same text as A/2539
A/RESOLUTION/130	Resolution adopted by the General Assembly at its 456th plenary meeting on 3 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 764 (VIII)</i>



Agenda item 50 : Staff Regulations of the United Nations : question of a probationary period

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DOCUMENT A/2591

Report of the Secretary-General

[Original text : English]
[2 December 1953]

1. During the sixth session of the General Assembly, the Advisory Committee on Administrative and Budgetary Questions proposed (A/1912/Add.1)¹ that the following text should be inserted in the staff regulations of the United Nations :

"Regulation 9.1A

"The probationary period for confirmation of a permanent appointment shall normally not exceed two years. Service in a temporary capacity may be allowed to count towards such confirmation."

2. Subsequently, during the discussion by the Fifth Committee of the permanent staff regulations, the Advisory Committee decided to withdraw the above regulation following a suggestion by the Secretary-General that the matter of fixing a probationary period should be postponed for consideration at the seventh session of the General Assembly.² During the seventh session, the Advisory Committee, while adhering to the position of principle reflected in the draft text it had proposed, raised no objection to the Secretary-General's request to postpone discussion of the question at that session, particularly in view of the desirability of proceeding in consultation with the specialized agencies and the fact that the review of temporary staff had not been completed.

¹ See *Official Records of the General Assembly, Sixth Session, Annexes*, agenda item 45, page 14.

² *Ibid.*, document A/2108, page 37.

Thereupon, the General Assembly, on the recommendation of the Fifth Committee, adopted resolution 682 (VII) requesting the Secretary-General to submit, through the Advisory Committee on Administrative and Budgetary Questions, a final proposal for the consideration of the General Assembly at its eighth session.

3. The Secretary-General has consulted with the executive heads and the administrative representatives of the specialized agencies at meetings of the Administrative Committee on Co-ordination and of the Consultative Committee on Administrative Questions. In those discussions, it was agreed that, in principle, all permanent appointments should be preceded by a trial period of service, either in the form of a specific period of probation, or on a fixed-term basis, for one or two years.

4. The experience gained in the Secretariat during the past years has led the Secretary-General to the firm conclusion that a period of two years is normally necessary for a proper and accurate assessment of the fitness for permanent appointment of a newly appointed staff member; moreover, the possibility of extending that period in special cases for one additional year should be provided. The diversity of the programmes and the size of the staff of the Secretariat as compared with those of the programmes and staffs of the specialized agencies are factors which should not be overlooked in setting the length of the probationary period.

5. In his report on personnel policy presented at the eighth session of the General Assembly (A/2533), the Secretary-General has defined the categories of staff which will be eligible for permanent appointment. He has also announced a system of temporary appointments in which a clear distinction is made between those which are probationary for permanent appointment and those which do not carry such an expectation. Accordingly, the text of the new regulation should provide for this distinction.

6. In the light of these considerations and in the belief that the principles embodied in the draft regulation proposed earlier by the Advisory Committee are preserved in the text, the Secretary-General submits, for the con-

sideration and approval of the General Assembly, the following additional paragraph to be included in staff regulation 4.5. The Secretary-General understands that the full effect of the new regulation on the probationary period would apply to staff appointed after 1 January 1954.

“(b) The Secretary-General shall prescribe which staff members are eligible for permanent appointments. The probationary period for granting or confirming a permanent appointment shall normally not exceed two years, provided that in individual cases the Secretary-General may extend the probationary period for not more than one additional year.”

DOCUMENT A/2592

Note by the Secretary-General transmitting the observations of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[2 December 1953]

The Secretary-General has the honour to transmit to the Members of the General Assembly the texts of a letter and a memorandum concerning the question of a probationary period which have been addressed to him by the Chairman of the Advisory Committee on Administrative and Budgetary Questions.

2 December 1953

The Advisory Committee on Administrative and Budgetary Questions has instructed me to transmit to you the attached memorandum, reference number AC/343 of 2 December 1953, concerning the proposed adoption of a staff regulation to govern the probationary period for permanent appointments in the Secretariat (A/CN.1/R.183).

(Signed) Th. AGHNIDES
Chairman, Advisory Committee on Administrative
and Budgetary Questions

MEMORANDUM

Staff Regulations of the United Nations:
question of a probationary period
(A/CN.1/R.183)

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General concerning the proposed adoption of a staff regulation to govern the probationary period for permanent appointments in the Secretariat (A/CN.1/R.183).³

2. The text proposed by the Secretary-General for insertion as sub-paragraph (b) of staff regulation 4.5 reads as follows :

³ This report has been given general distribution as document A/2591.

“(b) The Secretary-General shall prescribe which staff members are eligible for permanent appointments. The probationary period for granting or confirming a permanent appointment shall normally not exceed two years, provided that in individual cases the Secretary-General may extend the probationary period for not more than one additional year.”

3. The Advisory Committee has studied this proposed text in conjunction with the Secretary-General's report on personnel policy⁴ and, in particular, with paragraph 100 (a) of that document, which defines the purpose and nature of the probationary appointment. It is stated in that paragraph that such an appointment “will be governed by the staff regulations applicable to temporary appointments not for a fixed term”. The Committee accordingly understands the words “granting or confirming” in the proposed text in the following sense: a staff member intended for the career service will normally hold a temporary appointment of a probationary nature for an initial period of two or—in exceptional cases—three years. At the end of that period a permanent appointment will be granted or, alternatively, the temporary appointment will be terminated and the staff member separated from the service. The phrase “or confirming” is inserted for the sole purpose of covering any exceptional cases in which a permanent appointment is granted, subject to confirmation, either on initial appointment or at any time during the probationary period.

4. The Advisory Committee also notes that the full effect of the proposed addition to staff regulation 4.5 is intended to apply to staff appointed after 1 January 1954.

5. Subject to the above observations, the Advisory Committee concurs in the text proposed by the Secretary-General for sub-paragraph (b) of staff regulation 4.5.

⁴ A/2533.

DOCUMENT A/2613
Report of the Fifth Committee

[Original text : English]
[7 December 1953]

1. During the sixth session of the General Assembly, the Advisory Committee on Administrative and Budgetary Questions proposed that a specific provision should be included in the staff regulations then under consideration whereby a probationary period for confirmation of a permanent appointment should normally not exceed two years, subject to service in a temporary capacity being allowed to count towards such confirmation. At the request of the Secretary-General, consideration of this proposal was deferred until the seventh session. Discussion of the matter at the seventh session was, however, again deferred in order that the Secretary-General might consult with the specialized agencies, and in view of the fact that the review of temporary staff had not then been completed. The Secretary-General was therefore requested, in resolution 682 (VII), adopted by the General Assembly on 21 December 1952, to submit, through the Advisory Committee on Administrative and Budgetary Questions, a final proposal concerning the question of a probationary period for the consideration of the General Assembly at its eighth session.

2. The matter was considered by the Fifth Committee at its 420th meeting on 3 December 1953 on the basis of a report (A/2591) submitted by the Secretary-General pursuant to the above resolution and of a memorandum addressed to the Secretary-General by the Chairman of the Advisory Committee on Administrative and Budgetary Questions, circulated as document A/2592.

3. In his report, the Secretary-General stated that he had consulted with the executive heads and the administrative representatives of the specialized agencies with whom agreement had been reached, in principle, that all permanent appointments should be preceded by a trial period of service, either in the form of a specific period of probation or on a fixed-term basis, for one or two years.

4. The experience gained in the Secretariat during the past years had led the Secretary-General to the firm conclusion that a period of two years was normally necessary for a proper and accurate assessment of the fitness for permanent appointment of a newly appointed staff member; moreover, the possibility of extending that period in special cases for one additional year should be provided. The diversity of the programmes and the size of the staff of the Secretariat as compared with those of the programmes and staffs of the specialized agencies were factors which should not be overlooked in setting the length of the probationary period.

5. In the light of these considerations and in the belief that the principles embodied in the draft regulation proposed earlier by the Advisory Committee were preserved in the recommended text, the Secretary-General submitted, for the consideration and approval of the General Assembly, the following additional paragraph to be included in staff regulation 4.5:

“(b) The Secretary-General shall prescribe which staff members are eligible for permanent appointments.

The probationary period for granting or confirming a permanent appointment shall normally not exceed two years, provided that in individual cases the Secretary-General may extend the probationary period for not more than one additional year.”

6. The Advisory Committee indicated in its memorandum that the Secretary-General's proposed text had been studied in conjunction with his report on personnel policy (A/2533), and in particular with paragraph 100 (a) of that document defining the purpose and nature of the probationary appointment. The Advisory Committee accordingly understood that the words “granting or confirming” were used in the proposed text in the following sense: a staff member intended for the career service will normally hold a temporary appointment of a probationary nature for an initial period of two or—in exceptional cases—three years. At the end of that period a permanent appointment will be granted or, alternatively, the temporary appointment will be terminated and the staff member separated from the service. The phrase “or confirming” is inserted for the sole purpose of covering any exceptional cases in which a permanent appointment is granted, subject to confirmation, either on initial appointment or at any time during the probationary period.

7. It was noted that the full effect of the proposed addition to staff regulation 4.5 was intended to apply to staff appointed after 1 January 1954.

8. Subject to the foregoing observations, the Secretary-General's recommendation was unanimously approved by the Fifth Committee.

Recommendation of the Fifth Committee

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

STAFF REGULATIONS OF THE UNITED NATIONS :
QUESTION OF A PROBATIONARY PERIOD

The General Assembly

Adopts as an amendment to the Staff Regulations of the United Nations the text annexed to the present resolution. This amendment shall become effective from 1 January 1954.

ANNEX

STAFF REGULATION 4.5 (additional paragraph to become subparagraph (b))

(b) The Secretary-General shall prescribe which staff members are eligible for permanent appointments. The probationary period for granting or confirming a permanent appointment shall normally not exceed two years, provided that in individual cases the Secretary-General may extend the probationary period for not more than one additional year.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting on 9 December 1953, the General Assembly adopted the draft resolution submitted by the Fifth Committee (see p. 3 of this fascicule). For the final text see resolution 781 (VIII).

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A/RESOLUTION/190	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 781 (VIII)</i>



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Agenda item 51: Personnel policy: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions

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DOCUMENT A/2533

Report of the Secretary-General

[Original text: English]
[21 November 1953]

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A. INCLUSION OF THE ITEM IN THE AGENDA

1. The General Assembly, on 1 April 1953, adopted resolution 708 (VII), which reads as follows :

"The General Assembly,

"Recalling the following provisions of Articles 100 and 101 of the Charter :

" 'Article 100

" '1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall

refrain from any action which might reflect on their position as international officials responsible only to the Organization.

" '2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

" 'Article 101

" '1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

" ...

" 3. 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, and

" Having reviewed and considered the report of the Secretary-General on personnel policy,

" 1. Expresses its confidence that the Secretary-General will conduct personnel policy with these considerations in mind ;

" 2. Requests the Secretary-General to submit to the General Assembly at its eighth session a report on the progress made in the conduct and development of personnel policy, together with the comments of the Advisory Committee on Administrative and Budgetary Questions thereon ;

" 3. Invites the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions to submit, after appropriate consultations with the administrative heads of the specialized agencies, their recommendations as to any further action that may be required of the General Assembly ;

" 4. Calls upon all Members of the United Nations to assist the Secretary-General in the discharge of his responsibilities as chief administrative officer of the United Nations."

The present report is submitted by the Secretary-General in accordance with the foregoing resolution.

2. An item entitled "Personnel policy : reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions" was placed on the provisional agenda of the eighth session (A/2416) by the Secretary-General. The General Committee recommended in its report to the General Assembly (A/2477) that the item should be placed on the agenda and referred to the Fifth Committee ; these recommendations were adopted by the General Assembly at its 435th plenary meeting on 17 September 1953.

B. CONSULTATION WITH HEADS OF SPECIALIZED AGENCIES

3. In accordance with the above resolution, the Secretary-General, at meetings of the Administrative Committee on Co-ordination on 7 October 1953, consulted with the administrative heads of the specialized agencies or their representatives¹ on the subject matter of the present report though not on its text. The Secretary-General received a number of detailed comments on the proposals.

4. The Secretary-General was pleased to note that the representatives of the specialized agencies were in general agreement with him on the basic objectives to be sought and fully understood the reasons for his conclusions that a change in the staff regulations and an increase in the powers of the Secretary-General, subject to appropriate safeguards, were necessary to meet the administrative needs of the United Nations. It was also agreed that it was desirable that there should be as much uniformity in personnel policy as may be found practicable, although the personnel policies and procedures of each organization must be framed in the light of its own special circumstances, including its constitution and the size, composition and duties of its staff.

¹ The administrative heads of the Universal Postal Union and the International Telecommunication Union were not present or represented at the meetings.

5. The Secretary-General and the administrative heads of the specialized agencies found these discussions valuable and intend to continue them in the future as occasion may arise.

C. CONTENTS OF THE REPORT

6. The present report is submitted in accordance with the requests contained in both paragraphs 2 and 3 of the operative part of resolution 708 (VII) set out above. Part I of the report contains the recommendations of the Secretary-General as to "further action that may be required of the General Assembly" with respect to amendment of the staff regulations and of the Statute of the Administrative Tribunal, and the reasons, arising out of "the conduct and development of personnel policy," which have led him to make those recommendations.

7. Part II of the report deals with certain other developments of personnel policy which do not require amendments to the staff regulations, but which are submitted to the General Assembly for its approval or for its information. These developments include : progress in reviewing temporary staff ; a new policy concerning the appointment of staff members ; the question of terms of appointment of staff appointed for special service of a non-continuous or purely local character ; and problems arising out of the United States Immigration and Nationality Act of 24 December 1952, which requires that staff members who are not United States citizens but who wish to retain immigrant status in the United States should execute a waiver of certain privileges and immunities. An opinion of the Attorney General of the United States regarding this last question is reproduced in annex III.

8. The factual developments concerning personnel policy since the date of the last report of the Secretary-General on the subject (A/2364) are set out in the annexes to the present report, but may be briefly summarized here.

9. The United States Executive Order providing for supplying of information to the Secretary-General concerning United States citizens employed or being considered for employment in the Secretariat was amended on 2 June 1953 (annex I, section A ; the text of the Executive Order as amended is set out in the appendix to annex I). As the result of proceedings under the Executive Order, certain information has been received (annex I, section C), none of which, so far, refers to "reasonable doubt" as to the loyalty of a staff member, being a United States national, to his government. The Executive Order explicitly defines information transmitted as intended for the use of the Secretary-General in the exercise of "his rights and duties with respect to the personnel of the United Nations as set out in the Charter and in regulations and decisions of the competent organs of the United Nations".

10. A United States Federal Grand Jury and two Sub-Committees of the United States Senate have made further investigations concerning present and former staff members of the United Nations (annex I, section B). During the investigations since the date of the last report on personnel policy only one person then a staff member invoked the privilege against self-incrimination. This staff member was later terminated and brought a case before the Administrative Tribunal ; the Tribunal rendered judgments in her favour (AT/DEC/38 and AT/DEC/41).

11. Certain governments of Member States, other than the United States, have also transmitted information to the Secretary-General about staff members who are their

nationals. This information, like that received from the United States, may provide reasons for further inquiry by the Organization itself.

12. The Administrative Tribunal, on 21 August 1953, rendered judgments in twenty-one cases concerning staff members of United States nationality who had appealed against their termination or dismissal. In eleven of these cases the Tribunal decided in favour of the appli-

cants, awarding compensation in seven cases and ordering reinstatement in four others. The Secretary-General, in the exercise of his powers under article 9 of the Statute of the Tribunal, declined to reinstate the four applicants and, consequently, on 13 October 1953, the Tribunal rendered judgments awarding compensation in these cases. A summary of the awards in all twenty-five judgments, together with statements of the main principles of the judgments, is contained in annex II.

PART I

Recommendations of the Secretary-General made in pursuance of paragraph 3 of the General Assembly resolution 708 (VII)

CHAPTER I. PROBLEMS OF INTEGRITY, CONDUCT AND SUITABILITY OF STAFF MEMBERS

A. General approach to problems presented

(i) Background

13. General Assembly resolution 708 (VII) of 1 April 1953 requested the Secretary-General to submit a report on the progress made in the conduct and development of personnel policy and invited him to submit recommendations as to any further action that might be required of the General Assembly. These requests were made in the light of the issues of policy which had been discussed at the last session of the General Assembly, and also with a view to issues which might develop subsequently—in particular, in regard to information received from governments and the recent judgments of the Administrative Tribunal—which are summarized in annexes I and II of the present report.

14. Irrespective of this request and invitation, I considered it one of my first duties as Secretary-General to review the administrative system and the rules applying to service in the United Nations. In the course of this review, I found that the present staff regulations suffer from ambiguities and omissions, which make certain revisions essential. My proposals are influenced by experience gained during my own term of office, as well as that of my distinguished predecessor. They are, however, based on considerations of a general nature, and they are in no way adjusted to special circumstances prevailing at a particular time or in relation to a particular country.

15. The principles of the Charter relating to the Secretariat form the foundation for personnel policy. On the part of the staff these principles require a full acceptance of the discipline imposed on an international secretariat by its special status. As for the Secretary-General, they impose upon him the responsibility for maintaining the high standards required by the Charter, so as to assure the Member States not only of the competence and efficiency of the staff but also of their impartiality and integrity. Finally, these principles require recognition of the independent authority and responsibility of the Secretary-General for the administration of the staff, in accordance with the Charter and the regulations adopted by the General Assembly.

16. The concept of a permanent civil service was adopted by the Organization in its earliest days and repeatedly affirmed. In the interest of both the independence of the Secretariat and the quality of its members, it was considered essential that the staff should enjoy the maximum practicable security of a career service based on permanent appointments. It was not found advisable to delay the transition to a full-fledged

career service in order to allow accumulation of wider experience in dealing with the special problems of an international civil service. The transition may be said to have taken place on a trial and error basis, and certain obvious risks were accepted in order to achieve a satisfactory degree of stability as rapidly as possible.

17. The direction of the efforts is reflected in the restrictively formulated grounds for termination of permanent appointments and in the legal protection given to staff members of the United Nations through the early institution of an Administrative Tribunal.

18. The holder of a permanent appointment can be terminated only for specific reasons defined in the staff regulations. The reasons, set forth in staff regulation 9.1 (a), limit the power of the Secretary-General to terminate a permanent appointment to cases of unsatisfactory service or where a post is abolished or where, for reasons of health, an employee is incapacitated for further service. Finally, the Secretary-General is empowered, under regulations 10.1 and 10.2, to dismiss a member of the staff for misconduct.

19. In interpreting the terms "unsatisfactory service" or "misconduct", the Secretary-General should be guided by the provisions of Article 101 of the Charter, which states that "the paramount consideration in the employment of the staff... shall be the necessity of securing the highest standards of efficiency, competence, and integrity." He should also be guided in matters of conduct especially by staff regulation 1.4 which provides:

"Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status."

20. There is room for doubt concerning the implementation of the relevant staff regulations in the light of the Charter provisions. The task of interpreting in specific cases the reciprocal rights and duties of the Organization and of staff members has been entrusted primarily and principally to the Secretary-General, but appeals may be brought by staff members to the Administrative Tribunal, whose competence is defined by the terms of its Statute.

21. Recent experience shows how the Administrative Tribunal, applying tests of legal interpretation to the present staff regulations, may find that the regulations

do not permit the Secretary-General to terminate staff members in cases in which he considers that they have failed to meet the standards required by these regulations, interpreted in the light of his obligations under the Charter, and that consequently termination of their appointments is indicated and legally justified.

22. The situation illustrates the main conclusion referred to at the beginning of my statement: that the present staff regulations call for reconsideration. In my judgment, the objective of such a reconsideration should be to revise the regulations in the light of the Charter, so that they will provide a just and legal foundation for sound administration, taking into account the equal importance of the independence of the staff and of the effective functioning of the Organization.

(ii) *Political activities by staff members*

23. Perhaps the most obvious need for clarification or amplification concerns political activities of staff members. In contrast to activities of a subversive or otherwise criminal nature, it is, of course, normally considered a right of citizenship, and at times even a duty, for a person to engage in the political life of his society.

24. Such participation in itself, of course, cannot be said to "reflect unfavourably" on a staff member. Even less can the fact that a staff member engages in political activities be regarded *a priori* as "unsatisfactory service" or "misconduct". On the other hand, the special nature of international service, the often highly delicate relations of the Secretariat with the governments of Member States, and similar circumstances may make it most inadvisable for an international civil servant to engage in political activities. In a particular case, for example, it may be obvious to the Secretary-General that certain political activities of a staff member impede or frustrate the proper working of the Organization because those activities cast doubt on the neutrality and independence of the staff in relation to domestic controversies in a Member State or with respect to differences between Member States.

25. The Secretary-General, as chief administrative officer of the Organization, should have the right to exercise his judgment in these matters, though, of course, this should always be done in a way free from arbitrariness and discrimination. This is necessary in order to permit him to meet his responsibility for the maintenance of the Charter standards and the impartiality of the staff. A staff member may consider his political activities appropriate to and consistent with his international status, and may, for that reason, be unwilling to accept the judgment of the Secretary-General to the contrary. It is my considered view that the sound operation of the Organization requires that such a staff member choose between continuing his political activities or remaining an employee of the United Nations.

26. However, the right of the Secretary-General, in spite of its background in Article 100 of the Charter, to place such a choice before an employee is, under the present regulations, at best doubtful. This is a weakness in the present system, requiring a clarification which would give expression to the right of the Secretary-General to decide whether or not certain political activities are compatible with an employee's international status. I have reached the conclusion that, for this reason, there should be added to the staff regulations an explicit statement that political activities, apart from the civic right of voting, shall be prohibited, unless otherwise authorized in accordance with staff rules issued by the Secretary-General.

27. It is impossible fully and in detail to spell out in a legal text what specific activities are to be considered "political", in the sense of the proposed regulation. This difficulty is especially obvious at the present stage, before the matter has been sufficiently studied and experience gathered. The regulation on this subject must be formulated so as to furnish a generally applicable legal standard in a world of widely differing traditions and political systems. The fact that the proposed regulation leaves—and necessarily must leave—the responsibility for its implementation to the Secretary-General raises, however, questions of controls, including that of the position of the Administrative Tribunal, to which I shall revert at a later stage of the present report.

(iii) *Integrity of staff members*

28. A second conclusion drawn from my study of the present rules concerns the standards of integrity which should govern in considering the fitness of employees of the Organization.

29. As already mentioned, the Charter indicates "integrity" as one of the basic conditions for employment. The full sense and all the implications of the word "integrity" as used in the Charter—obviously with reference to certain generally accepted moral standards—is not covered by the phrases "unsatisfactory service" or "misconduct", as used in the staff regulations and interpreted by the Administrative Tribunal.

30. It is easy to find examples which would illustrate this discrepancy. It may be discovered that, prior to employment with the United Nations, a staff member committed an offence or other act reflecting so unfavourably on his character as reasonably to deprive him of the confidence of his superiors and of the Secretary-General which is necessary in the interest of the service. Nevertheless, if the act took place prior to employment, it cannot be treated as "misconduct" or "unsatisfactory service" under the present regulations. The Secretary-General, in such a case, should not be barred from taking action required by the Charter, on the basis of his determination of the staff member's lack of integrity. Such action would obviously be just as much in the interest of the staff as of the Organization.

31. Another example of lack of integrity might be the case where a staff member—in a situation relevant to his obligations in that capacity—seeks to safeguard his purely personal interest despite his knowledge that by so doing he causes real and substantial harm to the Organization. If he finds himself in a position where his duty and his interest conflict, he should either subordinate his personal interests or leave the Secretariat.

32. In this case, too, it is doubtful whether the present rules would permit the Secretary-General to take the necessary action. This uncertainty calls for a review of the regulations since it creates a situation in which a conflict between the Secretary-General and the Administrative Tribunal would be likely to arise because of the present ambiguity in the legal situation. The Secretary-General is in duty bound to seek to carry out the requirements of sound administration to the fullest extent which the staff regulations seem to permit in the light of the Charter. The Tribunal, on the other hand, would necessarily have a different perspective and might, from its angle of interpretation, arrive at a contrary conclusion.

33. The breeding of such conflicts between the administrative and strictly legal approaches should be avoided by a proper amplification of the staff regulations as to the grounds upon which the Secretary-General may terminate employment. This should be done wholly in accord with the letter and spirit of the Charter. By specifying lack

of integrity as a ground for termination, the ambiguity would be eliminated in full conformity with the provisions of the Charter.

34. Specification of lack of integrity as a ground for termination would put on the Secretary-General the responsibility for a partly discretionary interpretation, comparable to that referred to above in connexion with the broad proscription of "political activities". It goes without saying that in both cases his decisions must rest upon established facts thoroughly evaluated by him. The conclusions to be drawn from the established facts must reflect his own opinion as to their weight and their effect upon the requirements of sound administration. He must formulate and apply principles which ensure that his decisions in specific cases rest firmly upon unbiased non-discriminatory considerations, consistently applied and wholly free from arbitrariness.

35. His personal judgments in interpreting and applying to specific cases the newly formulated grounds for termination lie within his normal area of responsibility under the Charter as chief administrative officer of the Organization. These judgments would lead, step by step, to the development of a body of principles. His decisions would be subject to review by the Administrative Tribunal which also in these new cases would act with all the competence vested in it under the Statute. It thus would have authority to assess certain facts, to interpret the legal provisions applying and to determine whether a decision of the Secretary-General rests upon required procedures and whether it reflects bias, discrimination or arbitrariness. The Tribunal may, on the other hand, be expected to accept his interpretations and evaluations as to what constitutes "lack of integrity" or "political activity", to the extent that they obviously involve considerations of administrative policy which are not open to a review of a strictly legal nature.

(iv) Review by the General Assembly of the principles of interpretation

36. Requirements of orderly administration and the necessity of meeting the standards of the Charter thus lead to the conclusion that the present rules should be clarified or amplified in the two respects I have mentioned. The specification of new grounds for termination automatically widens the field where the Secretary-General would be entrusted with responsibilities for interpretation of standards established in the staff regulations. As already indicated such interpretation includes elements which necessarily fall outside the framework of the strictly legal considerations appropriate to the Administrative Tribunal.

37. A development along the lines suggested would in no way involve a revision of the sphere of legal competence of the Administrative Tribunal and thus the legal protection given a staff member would remain unchanged. However, the widening of the responsibilities of the Secretary-General in a sphere which cannot appropriately, to its full extent, be subject to review by a tribunal confined to strictly legal criteria already in my view directs attention to the desirability and possibility of supplementary forms of control, adapted to the specific nature of the decisions to be reviewed.

38. In the constitutional and legal traditions of a great number of countries, the form of control normally exerted upon the chief executive (where strictly legal criteria are inapplicable) is what may be called a parliamentary one.

39. In the United Nations the closest analogy to such parliamentary control would be an arrangement by which the General Assembly would have opportunities of

discussing the principles applied by the Secretary-General in his interpretation of the proposed new grounds for termination to the extent that they are not of a nature which puts them under the control of the Administrative Tribunal. If the proposals made in the present report are adopted, I would consider such a review of principles of interpretation by the General Assembly as a step in the right direction in the development of a balanced and sound constitutional and legal system in the United Nations administration.

40. As principles are evolved by the Secretary-General through his administrative interpretations of the newly specified grounds for termination, these principles should be brought to the notice of the General Assembly. This will be the case next year in connexion with the consideration of a pending report from the International Civil Service Advisory Board, and again when the procedures suggested here have been tried for a suitable period so that an attempt can be made to translate into a legislative text the principles thus far evolved.

(v) Action in the interest of good administration

41. What I have said above does not exhaust my conclusions as to the development of the present staff regulations in the light of the needs of sound personnel policy. The foregoing proposals embody the minimal programme I consider necessary to enable the Secretary-General to fulfil his duties under the Charter as regards the standards to be maintained by the Secretariat. I do not believe that these proposals, standing alone, will do the whole job that needs to be done.

42. The gap left in the present formulation of the rules by reason of the omission of "integrity" as one of the standards for employment established in the Charter would be filled by the proposal I have made above. However, it must be noted that a finding of "lack of integrity" carries a serious implication of moral fault, which calls for such a restrictive implementation as makes it likely that, in practice, a discrepancy between the obligations of the Secretary-General under the Charter and his powers under the staff regulations would remain. That may be the case also for other reasons.

43. For example, evidence may come to hand of conduct of a staff member demonstrating a serious lack of balance or judgment. Although the standards of the Charter must be considered as covering also such a case, it may be unjustified to decide on termination with lack of integrity, or misconduct, or unsatisfactory service as the reason given. It is the clear duty of the Secretary-General not to stigmatize a staff member in controversial cases. A broad interpretation of the term "integrity", as of the terms "unsatisfactory service" or "misconduct", should be avoided. The Secretary-General may, therefore, in cases of the kind referred to here, easily find himself barred from taking termination action in spite of his conviction that such action would be in the interest of good administration, as defined in the Charter. This gap would not be closed unless the Secretary-General were clearly given the right to terminate appointments when such action is in accordance with the standards of the Charter and is called for in the interest of the good administration of the Organization. A provision to that effect would enable the Secretary-General to interpret narrowly the criterion of "integrity", restricting its application to morally objectionable attitudes or actions. His interpretation of the term may be reviewed by the Administrative Tribunal to the extent that it involves considerations open to a strictly legal review. So may his use, in accordance with the Charter, of the powers given to him in the interest of good administration.

44. In line with these considerations I am proposing that, in addition, to an amendment to regulation 9.1 (a) authorizing termination of a permanent appointment if the Secretary-General determines, in accordance with the standards prescribed by the Charter, that a staff member has shown lack of integrity, there should also be a provision for termination in the interest of good administration of the Organization, where such a termination is justified under the standards of the Charter. This additional provision obviously limits the consideration relevant to the decision to terminate to reasons relating to the internal working of the Secretariat or to its independent and impartial status.

45. I would have hesitated to suggest such an amendment if I had not, in any event, concluded that a widened parliamentary review of the principles applied by the Secretary-General in his implementation of the staff regulations would represent a natural development. I am confident that the possibility of such a review provides an added safeguard against arbitrariness, supplementing the control by the Administrative Tribunal in a way which justifies the grant of broader authority to the Secretary-General.

46. As this third new element in the staff regulations would mean that the Organization assumes the right in its own interest in exceptional cases to terminate with reference only to the needs of good administration, it seems appropriate that the Secretary-General should be given the power to pay an indemnity to the person concerned if he finds that the circumstances call for it. Such payment would, of course, not prejudice such rights as the staff member may have under the Statute of the Administrative Tribunal. This suggestion has a wider application which will be discussed later in the present report.

47. The proposed clarifications and amplifications of the staff regulations may be considered as specifying elements important to the character of permanent appointments in the United Nations. The development of the status of permanent service suggested here involves, however, only a shift of emphasis from the present provisions of the staff regulations to the provisions of the Charter, which thus will be more adequately reflected in personnel policy and in the reviewing of that policy by the Administrative Tribunal and by the General Assembly. To the present legal safeguards for the staff, which are automatically extended to cover also the new cases, supplementary safeguards are at the same time added.

(vi) *Additional arrangements*

48. I favour additional modifications in the present administrative system in the interest of the staff. I am not yet ready to place before the General Assembly definite proposals. These are now being studied in the Secretariat. But I wish to indicate the main lines which, in my view, should be followed in the interest of orderly procedures.

49. First of all, I consider it essential that the standards on which the Secretary-General intends to base his decisions should be announced as fully as possible for the guidance of the staff. This can be done at present only to a very limited extent, since the work of the International Civil Service Advisory Board is not yet completed and their report on the matter is not likely to be submitted until next spring. The report and recommendations of the Board will have an important bearing on this whole problem and on the policy of the Secretary-General. I do not intend, by establishing definite standards at this stage, to prejudge the work of the Board, nor the decisions that may be taken by the General

Assembly on the basis of the recommendations submitted. Subject to this, however, I shall endeavour to define, as far as circumstances permit, the principles upon which I shall base my decisions.

50. A further arrangement which the Secretary-General is entitled to make and which I intend to put into force is the setting up of procedure whereby staff members may, if they desire, place on record any statements, evidence or information which they consider relevant regarding charges made against them. This would place at the disposal of the staff an arrangement whereby staff members could put on record before an independent body of equals what they themselves consider to be the facts of the situation. It is, of course, normally open to a staff member to give his version to a supervisor or, ultimately, to the Secretary-General, but this procedure is not always the most satisfactory for either of the parties concerned. The Secretary-General is the official who has to reach decisions and for that reason should not at the same time have another function in the procedure.

51. The arrangement planned would mean that a staff member voluntarily could complete or perfect his version of the record upon which the Secretary-General bases his decision as to the action to be taken. It would ensure that the Secretary-General would have before him all the evidence considered relevant by the staff member concerned. The body contemplated under this arrangement would not be entitled to draw any conclusions, nor to make recommendations; it would be authorized to question the staff member only to clarify the information reported by him.

52. The procedure would not in any way duplicate other arrangements which form part of the administration procedure of the Organization, nor would it be in conflict with arrangements for hearing or investigation which may be made by Member States.

53. A third new safeguard would aim at making it easier for the employee to get qualified legal counsel before the Administrative Tribunal. The suggestion at present under study is that under the aegis of the Administrative Tribunal a panel of qualified lawyers might be set up from which the Tribunal, at the request of an applicant, if it finds it appropriate, would assign one member to serve as legal counsel to the applicant. The applicant would, of course, be free to choose any other legal counsel he might wish. However, if the applicant used one of the members of the panel indicated by the Tribunal, arrangements would be made to have part of the cost of the legal services defrayed in such a way as to enable the employee to afford the most competent legal assistance.

(vii) *Conclusion*

54. To sum up the suggestions outlined in this general presentation, they are designed as a whole to do two things. On the one hand, they would give the Secretary-General certain clearly expressed powers, matching his obligations as defined in the Charter. On the other hand, this development would be balanced by checks on the Secretary-General and fuller protection for the staff. Thus, the decisions of the Secretary-General would remain subject to review by the Administrative Tribunal to the full extent of its present legal authority, but to this would be added the possibility of a review by the General Assembly of the principles developed in his implementation of the standards specified in the staff regulations.

55. It is my conviction that these steps will tend to establish a sound balance and relationship between the interests of the Organization on the one hand and the interests of the staff on the other. The added possibilities

which these suggestions provide for a constructive development of administrative policy will, in my judgment, contribute to the growth of the Organization as an institution possessing a qualified and independent international Secretariat.

56. This approach, which must necessarily be tentative in some of its aspects, should result in the development of a set of principles and procedures better adapted to the needs of the Organization than those now existing. I am confident that the number of staff members that may be affected by the proposed regulations will be very limited; in the future, the appointment policy suggested later in the present report will provide an added safeguard against developments calling for a wider application of those regulations. This, however, does not detract from the importance of the new arrangements.

57. I believe that the new regulations, especially in the beginning, will have to be implemented with great caution, in view of the lack of sufficient experience and in view also of the fact that the development of standards to be applied is still at an early stage. There is a special obligation on the Secretary-General to apply them with restraint, as any decisions which are not based solidly on firm principles and a correct evaluation of facts would impair the necessary confidence in the Administration and would thus vitiate the basic purposes of the proposals.

B. Draft amendments to the staff regulations

(i) Draft amendment to staff regulation 9.1 (a) regarding termination of permanent appointments

58. The following additional paragraph to staff regulation 9.1 (a) is proposed:

"The Secretary-General may also terminate the appointment of a staff member who holds a permanent appointment:

"(i) If the conduct of the staff member indicates that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

"(ii) If he learns of facts, anterior to the appointment of the staff member and relevant to his administrative suitability, which, if they had been known when the staff member was appointed, should, under the standards established in the Charter, have precluded his appointment; or

"(iii) If such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter.

"No termination under this paragraph shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General."

59. It is difficult to give any precise definition to the term integrity, but there are generally accepted moral standards which should apply. Integrity must be judged on the basis of the whole conduct of the person concerned. A lack of integrity can be shown by acts of various types, for example, offences against the law which involve dishonesty or untruthfulness, or acts which, though not criminal, show a lack of probity or fidelity. Examples of acts of the latter type would be acts by a staff member involving a violation of the oath which he has taken to the United Nations, such as the act of receiving or soliciting favours to influence him in his duties. On the other hand, the term integrity and the term loyalty, as often applied in the political sphere, do not cover the same set of considerations, although, of course, in a case of contested "loyalty", acts might come to light which indicate a lack of integrity as an independent fact.

60. The suggested text of sub-paragraph (i) would permit the Secretary-General to take action, in accordance with the standards of the Charter, on the basis of facts concerning a staff member's conduct even before his employment by the United Nations. It may be discovered that in the past a staff member has committed acts which seriously reflect also on his present integrity; he may, for example, have committed a universally recognized offence or some act which, while not criminal, clearly shows a lack of probity. On the other hand, a staff member's later conduct and attitude may show that, whatever his past conduct, he now meets the highest standards of integrity. It should be stressed that the judgment to be made is always one regarding the staff member's present integrity, and that, thus, past conduct can only be evidentiary.

61. Sub-paragraph (ii) covers a different problem from the one just referred to. It envisages cases where an appointment has been given on the basis of incomplete knowledge of the personal record of the applicant. When the new information refers to facts relevant under the standards of employment established in the Charter, termination may be indicated without direct reference to the present situation. Such is the case in the situation especially envisaged in this provision, where the applicant himself wilfully has given false or incomplete information. It is clear from the suggested text that the standards applied in the decision must be such as were recognized at the time of the appointment.

62. A special problem, which may be dealt with in this context, is that of alleged subversive activities on the part of staff members. The term "subversive activities" is sometimes used loosely to cover a wide range of activities; it may, however, properly be defined as was done in the last report of the Secretary-General on personnel policy (A/2364, paragraph 97), that is, as "activities directed towards the overthrow of a government by force, including conspiracy towards such overthrow and incitement and advocacy of it". It is beyond doubt that such activities, if carried on by a staff member during the period of his employment by the United Nations, are grave violations of the standards of conduct applicable to staff members, and should lead to his discharge. If such actions were carried on before employment by the United Nations, and if they consisted of serious and generally recognized offences such as espionage or sabotage, they will normally reflect on the present integrity of the staff member concerned. If there is such a reflection on a staff member holding a permanent appointment, the matter might be dealt with under staff regulation 9.1 (a) amended as suggested above.

63. If, exceptionally, such activities engaged in by a staff member before his employment with the United Nations should not reflect on his present integrity, and if there is no indication that during his employment he had engaged in subversive activities, action would not appear justifiable. As already indicated, lack of integrity should under no circumstances be imputed without adequate evidence to support it as a fact of the present, in the light of United Nations standards.

64. The conclusions of national authorities concerning activities by staff members are, of course, not binding on the United Nations, which must apply its own standards. Obviously, however, national findings of fact, arrived at in accordance with generally recognized requirements of due process of law, are entitled to weight.

65. The last report of the Secretary-General on personnel policy introduced in the discussion of the problem of past subversive activities by staff members the criterion whether the person concerned could be

reasonably believed to be "likely to engage" in such activities. This criterion, from a legal point of view, is open to the objection that it involves a judgment as to what may be anticipated in the future. The notion of a consideration of past activities in terms of future possibilities should be discarded. The only sense in which the assumed likelihood may be of relevance should be covered by the standard of integrity required by Article 101 of the Charter and thus considered in the light of the rules concerning present suitability generally applied.

66. Sub-paragraph (iii) deals with an area of personnel administration where special difficulties in acting on the basis of defined standards come into play. The general considerations which have led to the proposal have been set out in the preceding section of the present report. This sub-paragraph would give to the Secretary-General powers, as to the maintenance of high administrative standards of fitness for employment, commensurate with his responsibility in these respects under the Charter. The criterion of "good administration", combined with the reference to the Charter, is intended only to cover this need, excluding decisions based on considerations of alleged or presumed political interests of the Organization. Obviously, however, the relevant standards of the Charter include also those defined in Article 100. The Secretary-General would have to be the judge of what constitutes the "interest of good administration". His right of action under this provision is strictly limited by the letter and spirit of the Charter and subject to appeal to the Administrative Tribunal to the full extent that legal considerations can apply.

67. A special provision, in the interest of staff members, is incorporated in a sub-paragraph of the proposed text. This sub-paragraph provides that terminations are to be made only after consideration by a special advisory board appointed for the purpose by the Secretary-General. Naturally, the staff should be properly represented on this board.

(ii) *Draft amendment to staff regulation 1.4 relating to conduct reflecting on integrity, independence and impartiality*

68. It is proposed to amend staff regulation 1.4 as follows:

"Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status."

69. It has already been emphasized that integrity, complete impartiality and independence from any authority outside the United Nations in the performance of their duties are vital requisites for staff members. The above amendment is not intended to alter the meaning of present staff regulation 1.4, but only to make it more explicit and to give further clarification concerning the types of action by United Nations staff members which may adversely reflect on their status.

70. One problem in this connexion is the use by a staff member of the privilege against self-incrimination in an official national inquiry concerning subversive activities and related matters. Such use of the privilege is a constitutional right in some countries and, consequently, it

may be inappropriate to consider it as a ground for disciplinary action. However, the invocation of the privilege in an official inquiry concerning subversive activities must be recognized as a serious matter, since it may give rise to doubt as to the staff member's integrity. Under certain conditions it may be considered as incompatible with the status of an international civil servant. But a conclusion to the effect that the staff member should cease to serve in the Secretariat because of his invoking the privilege cannot be drawn without further investigation. It can be reached only after investigation of the circumstances; the staff member should be given an opportunity to present his side of the case and to inform the Secretary-General of the reasons why he invoked the privilege. If this investigation gives an explanation of the action which removes its unfavourable implications, termination is not justified on the basis of the standards proper to the United Nations.

71. A special problem, which can be dealt with by a new staff rule and which does not require an amendment to the staff regulations, is that of criminal activities on the part of staff members. The Secretary-General intends to provide in a new staff rule, issued under staff regulation 1.4, that any staff member who is arrested, indicted or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations) shall report that fact to the Secretary-General.

72. The standard of conduct applicable to staff members is more exacting than ordinary legal standards. A conviction by a national court will usually be persuasive evidence of the commission of the act for which the defendant was prosecuted. And acts which are generally recognized as offences by national criminal laws normally will be violations also of the independent standard of integrity developed by, and proper to, the United Nations. However, the Organization must remain free to take no account of convictions of staff members for trivial offences or for offences which are generally held not to reflect on integrity, or of convictions made without observance of the generally recognized requirements of due process of law.

(iii) *Draft amendment to staff regulation 1.7 relative to political activities on the part of staff members*

73. It is proposed to replace the present staff regulation 1.7 by a new provision reading as follows:

"Unless otherwise authorized in accordance with staff rules issued by the Secretary-General, staff members shall not engage in any political activities outside the scope of their official duties, other than voting."

74. Staff members should obviously not take part in political campaigns, or in political canvassing or management. This covers also, for example, public statements on issues of a political character, outside the scope of their official functions. The provision recognizes the principle that in certain areas of activities, legitimately open to the ordinary citizen, the international civil servant can play no part, or only a limited part. Some types of political activities cannot adversely affect the United Nations; this might be the case, for example, with purely local political activities not involving issues of more than local interest, such as service under ordinary conditions on a school board or town council. Similar considerations are applicable in cases of organizations which primarily are of a non-political character—for example professional or philanthropic associations.

75. It is too early to define in detail the implementation of the prohibition, which must be left to be worked out in practice by the Secretary-General.

76. The provision, of course, has no retroactive implications. Previous activities are of significance only if they should reflect unfavourably on the staff member's present integrity or administrative suitability under the standards established by the Charter.

77. In the implementation of the provision the staff member's rights to his religious or political convictions should be fully respected.

(iv) Draft amendment to staff regulation 9.3

78. It is proposed to add to the present staff regulation 9.3 a new provision reading as follows :

"The Secretary-General may, when he considers it justified, pay to a staff member terminated under staff regulation 9.1 (a) an indemnity payment twice that which would otherwise be payable under the staff regulations".

79. Where a staff member, having a permanent appointment, is terminated in the interest of good administration under the proposed amendment to staff regulation 9.1 (a), it is suggested that the Secretary-General should be authorized, when he considers it justified, to pay a higher indemnity than the one otherwise payable under the staff regulations. In those exceptional cases where no other specified reason is given for termination than the interest of good administration, it may in most cases prove fair that such special indemnity should be paid to compensate for the abrogation of a permanent appointment. Such an authorization given to the Secretary-General to provide for compensation obviously should in no way prejudice the staff member's right of appeal or the Administrative Tribunal's competence to grant a higher compensation than that decided upon by the Secretary-General.

80. However, such reasons as would apply in these cases may call for similar powers for the Secretary-General also where termination is found necessary because of the abolition of posts or for reasons of health. The plans for a streamlining of the administration, on which I intend to report later to the General Assembly, may make this problem more important than it would otherwise have been. I therefore have found it justified to suggest an amendment to the staff regulations giving the Secretary-General the authority proposed, without limitation to cases of termination in the interest of good administration.

CHAPTER II. REVISION OF ARTICLE 9 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL

81. The Secretary-General, following the judgments of the Administrative Tribunal on 21 August 1953, has reviewed the Statute of the Tribunal. In the light of past experience he is of the opinion that it would be desirable for the General Assembly to consider at its eighth session the revision of article 9 of the Statute. Article 9 reads as follows :

"If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked; but if, in exceptional circumstances, such rescinding or specific performance is, in the opinion of the Secretary-General, impossible or inadvisable, the Tribunal shall within a period of not more than sixty days order the payment to the applicant of compensation for the injury sustained. The applicant shall be entitled to claim compensation in lieu of rescinding of the contested decision or specific performance. In any

case involving compensation, the amount awarded shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12."

82. Under this article rescinding of the decision contested, or specific performance of the obligation invoked, is the usual remedy provided in those cases in which the Administrative Tribunal finds that the application is well founded. The Secretary-General may depart from this rule only in exceptional circumstances when, in his opinion, such rescinding or specific performance is impossible or inadvisable. On the other hand, the applicant, without reference to exceptional circumstances, may claim compensation in lieu of rescission or specific performance. Furthermore, under the present article, there is no limit placed on the amount of compensation which may be awarded.

83. Experience has indicated that, particularly in cases involving termination of appointment, where the Administrative Tribunal finds that the application is well founded, the payment of compensation should be the rule rather than the exception. It is normally not in keeping with the interest of good administration to reinstate an employee whom the Secretary-General has considered it necessary to terminate. At the same time, from the point of view of the staff member, it is not desirable to require a new finding by the Secretary-General that reinstatement is "impossible or inadvisable". Administrative experience and considerations indicate that the normal reaction, in case a decision of the Secretary-General is not upheld by the Administrative Tribunal, should be the payment of compensation. In those circumstances, however, where the Secretary-General believes that it would not be disadvantageous to rescind his decision, he should have the option of offering such rescission to the applicant in lieu of the compensation ordered.

84. From the point of view of financial administration, it is also desirable that a limit should be placed on the compensation which may be awarded. Two years' net base salary would appear to be a reasonable maximum in cases of termination or dismissal. If in any case the Administrative Tribunal finds such compensation insufficient, it is, of course, free to recommend the payment of a higher indemnity in the special case under consideration.

85. Another problem arising with respect to article 9 involves cases where the Administrative Tribunal finds that a certain procedure has been omitted or incorrectly applied. Because of this procedural defect the Tribunal may find in favour of the applicant, although the action of the Secretary-General would have been proper if the procedure in question had been followed. In these instances, it is believed that the United Nations should be required to pay compensation for any loss sustained only as a result of the failure to apply the appropriate procedure, and not for termination or other action which otherwise would have been proper.

86. It may be noted that in a recent case before the Administration Tribunal where there was a defect in the proceedings before the Joint Appeals Board, the case was returned for appropriate proceedings before the Board. It would appear desirable that the Secretary-General should be given the same opportunity by the Tribunal with respect to other procedures, including the reference of cases involving misconduct to the Joint Disciplinary Committee. Compensation should, of course, be paid for such loss as may have been caused by the procedural delay, again with a reasonable maximum which, it is suggested, would be the equivalent of three months' net base salary.

87. In order to accomplish the above objectives, it is proposed that the General Assembly should consider the amendment of article 9 of the Statute of the Administrative Tribunal, along the following lines :

Article 9

1. If the Tribunal finds that the application is well founded, it shall order the payment of compensation for the injury sustained ; provided that in no case of termination or dismissal shall such compensation exceed the equivalent of two years' net base salary of the applicant ; and provided further that the Secretary-General may, within a period of sixty days, offer to rescind the decision contested or to grant specific performance of the obligation invoked, which offer may

be accepted by the applicant in lieu of the compensation ordered by the Tribunal.

2. Should the Tribunal find the procedure prescribed in the Staff Regulations or Staff Rules has not been observed, it may, at the request of the Secretary-General and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure. Where a case is remanded the Tribunal may order the payment of compensation, not to exceed the equivalent of three months' net base salary, to the applicant for such loss as may have been caused by the procedural delay.

3. In all applicable cases, compensation shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12.

PART II

Other personnel problems

CHAPTER I. PROGRESS IN REVIEWING TEMPORARY STAFF

88. In his report to the seventh session of the General Assembly, the Secretary-General described (A/2364, paragraphs 13 to 43) the general personnel policy under which the Secretariat had developed from a hastily assembled group of some 2,800 temporary staff members in December 1946 into the permanent Secretariat of 1953. At that time he noted that the review of temporary staff members who had been appointed before 1 January 1950 would continue throughout 1953, and he expressed the expectation that by the end of that year the review of long-service temporary staff would have been substantially completed. As the end of the year approaches, the Secretary-General is able to report that this expectation has been largely fulfilled.

89. As previously reported (A/2364, paragraphs 35 to 38), a Selection Committee appointed by the Secretary-General under the chairmanship of Mr. F. P. Walters, former Deputy Secretary-General of the League of Nations, conducted the review of temporary staff at Headquarters in 1952 and in the European Office of the United Nations early in 1953. The review was continued at Headquarters in 1953 by two committees, one under the chairmanship of Sir Ramaswami Mudaliar and the other under the chairmanship of Dr. Ivan Kerno.

90. Before the end of the year these committees will have completed the review of 1,082 temporary staff members at Headquarters appointed before 1 January 1951, of whom 567 were in the Professional category and 515 in the General Service category. To these figures at Headquarters must be added 296 staff members already reviewed in the European Office of the United Nations.

91. Early in 1954, the Selection Committee will undertake the review of the staff of the Economic Commission for Latin America (ECLA) and the Economic Commission for Asia and the Far East (ECAFE) and of the staff serving in the United Nations Information Centres. Thus, in a few months' time the review of temporary staff appointed before 1 January 1951 will be brought virtually to an end.

92. Simultaneously, a second form of regular review of staff members has been in operation in the Secretariat. This is the review, proposed first by the Preparatory Commission in 1945, of permanent staff members who have completed five years of service in that status. The first permanent appointments were granted during 1947 and the first group of permanent staff members was,

therefore, reviewed in 1952. The Secretary-General appointed a Five-Year Review Committee composed of senior officials of the Secretariat. To date, the Committee has reviewed 670 permanent staff members. The Secretary-General has accepted the recommendation in virtually every case.

93. Thus, the work of consolidating the staff of the Secretariat and establishing it, with the relatively few but necessary exceptions, on a career basis has been largely accomplished. The problem of large numbers of temporary staff having considerable seniority in the service, and of the numerous difficulties connected with that problem, is rapidly disappearing. The Secretary-General wishes at this time to place on record his conviction that the United Nations is at present served by a dedicated and competent group of men and women on whom he may thoroughly rely for the accomplishment of the tasks lying ahead. The time has now come when it is possible and necessary to turn attention from the problems of the past, resulting from the unavoidable difficulties of the formative years, to the tasks of the future, and to concentrate on the completion and implementation of personnel policies best suited to the needs of a permanent Secretariat.

CHAPTER II. APPOINTMENT POLICY

94. The basic aim of an appointment policy devised for the present needs of the Secretariat is to create the most favourable conditions for the development of a body of permanent international civil servants meeting the highest possible standards of efficiency, competence and integrity. This body should be endowed with a sufficient degree of flexibility to undertake, with a minimum of outside assistance, the reasonably wide range of tasks both in volume and in variety which the Organization will be called upon to perform in the future.

95. Under such a policy, outside recruitment would be conducted mainly for the purpose of securing replacements, including candidates of nationalities not adequately represented, for posts vacated due to the process of normal turnover. Every effort would be made to select the highest possible calibre of candidates, and every precaution would be exercised to avoid wasteful recruitment of persons unsuitable for the international civil service.

96. Candidates recruited for continuous service would be given appointments in probationary status, such

probation to be of a duration of not less than two years. Towards the end of their second year of service they would be submitted to review and, as a result, either granted permanent appointments, or separated from the service; in exceptional cases, the period of probation might be extended for one additional year. Some predominantly local groups of staff would be granted in the same conditions a different type of appointment, more suited to the nature of their employment than the permanent appointment, but nevertheless clearly indicating the possibility of continuous long-term service. A proposal for the introduction of a new staff regulation governing the period of probation will be submitted in a separate document (see agenda item 50 of the General Assembly).

97. If the need arises, as it inevitably must from time to time, to engage outside assistants for work of a temporary nature or limited duration, or occasionally to recruit persons who because of their occupational or personal status it is not possible or advisable to integrate in the permanent service, such a need would be met by the granting of special types of appointment, the main characteristic of which will consist in a clear stipulation that no expectancy of continuous service is implied.

98. In order to implement these policies, the Secretary-General has devised, within the framework of the existing staff regulations, a suitably adapted system of appointments, and has decided to consolidate and strengthen the existing advisory administrative machinery for the appointment, selection and review of staff. This machinery, established to assist the Secretary-General and his Bureau of Personnel, will consist of two Boards, the Appointment and Promotion Board and the Personnel Selection and Review Board, appointed under conditions ensuring their internal independence and impartiality.

99. It will be recalled that the staff regulations provide a basic distinction between permanent and temporary appointments. It will be the policy of the Secretary-General to grant permanent appointments to staff members in the Principal Officer and Director category below the rank of Principal Director, to staff members in the Professional category and to staff members serving in the intermediate and higher levels of the General Service category. These groups of staff constitute, in the considered opinion of the Secretary-General, the core of the international civil service and should receive, after they have proved their suitability during a period of probation, the maximum security of tenure consistent with the basic interests of the Organization. Permanent appointments will be granted only to those members of the staff who, by their qualifications, performance and attitude as staff members, have fully demonstrated their suitability as international civil servants and who have proved that they meet the required high standards of efficiency, competence and integrity prescribed by the Charter.

100. As from 1 January 1954, temporary appointments will be divided into two groups in order to conform to the basic objectives of future recruitment, i.e., either to replace or secure staff for which continuous service is envisaged (the probationary appointment and the regular appointment) or to engage temporary staff to whom no expectancy of continuous service can or should be given (the fixed-term and the indefinite appointment).

(a) The probationary appointment will be given to individuals under fifty years of age at the time of recruitment when the Secretary-General intends that the appointee, if he proves that he has the required qualifications, should receive a permanent or regular appointment. The letter of appointment in each case will specify that the appointment may lead to a career in the Secre-

tariat. Such appointments will be governed by the staff regulations applicable to temporary appointments not for a fixed term. Staff members, while serving on probationary appointments, will not as a rule be eligible for promotion.

(b) The regular appointment will be given staff members in the first two salary levels of the General Service category and to manual and skilled trades personnel, after they have served a minimum of two years in probationary appointments. The regular appointment will be for an indefinite period which may last until retirement age. The conditions of employment under a regular appointment will be, in many respects, similar to those of the present temporary appointment not for a fixed term; the security of tenure will be, however, emphasized consistent with the staff regulations; the period of notice will be increased to two months; and the indemnities in case of termination will be those provided in the staff regulations for temporary appointments not for a fixed term.

(c) The fixed-term appointment is one which expires automatically on a date specified in the letter of appointment. Such appointments will be given for periods not to exceed five years to individuals recruited for service of prescribed duration, including persons seconded by or on leave from national governments and institutions for service with the Secretariat. While a fixed-term appointment may be renewed by the Secretary-General in the interest of the service, the letter of appointment will clearly specify that the appointment does not carry any expectancy of renewal, or of conversion to any other type of appointment.

(d) The indefinite appointment will be given only to:

(i) Individuals specifically recruited for field or mission service who do not qualify for fixed-term or probationary appointment; and

(ii) Those recruited subject to a waiver of medical requirements and who are not given a fixed-term appointment.

The letter of appointment will clearly specify that the appointment does not carry expectancy for any other type of appointment. The indefinite appointment will be governed by the staff regulations applicable to temporary appointments not for a fixed term. Unless an overriding interest of the United Nations requires it, persons recruited hereafter on indefinite appointments will not be retained in the service for more than five years.

101. An Appointment and Promotion Board composed of senior officials will be appointed by the Secretary-General. The Board will make recommendations for all appointments of an expected duration of more than one year, with the exception of mission and technical assistance experts appointments, and will consider all proposals for promotion. The Appointment and Promotion Board will be guided by the necessity of securing the highest standards of efficiency, competence and integrity. In filling vacancies, it will also pay due regard to the importance of assuring in the staff as wide a geographical distribution as possible. Provided their qualifications are equal, the Appointment and Promotion Board will normally give preference:

(i) To those already in the Secretariat, and

(ii) To staff members of other international organizations brought into relationship with the United Nations.

102. A Personnel Selection and Review Board, appointed by the Secretary-General, will be composed of the following: a chairman; three members appointed from among senior officials of the Secretariat; and one member appointed from among staff members nominated by the Staff Council. The functions of the Board will be to conduct the review of staff members who become eligible

for permanent or regular appointment; and to review every five years staff members holding permanent or regular appointments and to advise the Secretary-General whether, in view of his attitude as a member of the Secretariat and his performance during that period as a whole, the staff member has maintained the standards of efficiency, competence and integrity prescribed by the Charter.

103. The Secretary-General expects to implement these plans in January 1954 so that the Personnel Selection and Review Board may start at an early date the normal and continuing review of staff members in probationary status appointed after 1 January 1951, as soon as they become eligible for consideration for permanent or regular appointments.

104. It is the Secretary-General's intention to make every effort towards the fullest possible utilization of the present staff. As already announced, he is now studying possibilities for the reorganization of the Secretariat. At the same time he wishes as far as possible to increase the number of internal transfers and reassignments with the object of taking the best advantage of the experience of staff members gained during their service in the Secretariat, and of giving some of them a chance to prove their abilities in different types of work, increasing thus their usefulness to the Organization as a whole. This approach should become a practical means of fostering the versatility of the staff, the need for which has been stressed so often.

105. As a further step to encourage versatility and flexibility, the Secretary-General plans to continue and perhaps expand the facilities for in-service training. In view of the peculiar tasks and methods of work of an international organization, in-service training can be expected to play in the Secretariat even a more important role than in national administrations.

CHAPTER III. SPECIAL CATEGORIES OF STAFF

106. The staff regulations contain a declaration on their scope and purpose which reads as follows:

"The Staff Regulations embody the fundamental conditions on service and the basic rights, duties and obligations of the United Nations Secretariat. They represent the broad principles of personnel policy for the staffing and administration of the Secretariat. The Secretary-General, as the Chief Administrative Officer, shall provide and enforce such Staff Rules consistent with these principles as he considers necessary."

107. It seems evident that the broad principles of the regulations are meant to be universal and to apply to all members of the staff, irrespective of the type of appointment under which they serve and of the type of activity for which they have been recruited. It is, however, the understanding of the Secretary-General that a few detailed and specific regulations, as for instance, those relating to the eligibility for children's allowance, education grant, termination indemnity and repatriation grant, are only fully applicable to staff appointed for continuous and established service. Therefore, where the circumstances warranted it, and particularly in the case of staff appointed for special service of a non-continuous or purely local character, the Secretary-General has on occasions prescribed conditions of employment which modified to some extent the specific stipulations of those detailed regulations. This necessary latitude in interpreting the applicability of the staff regulations has proved to be of particular practical value in setting the conditions of employment in such subsidiary organs created by the General Assembly as the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Korean Reconstruc-

tion Agency and the Office of the High Commissioner for Refugees, and also for the appointment of experts specifically recruited to serve the Expanded Programme of Technical Assistance.

108. Subject to the agreement of the General Assembly, the Secretary-General intends to continue to avail himself of a reasonable latitude of interpretation of the applicability of the staff regulations, as indicated above, in all cases where it is necessary to appoint staff under conditions which do not warrant the full application of provisions obviously devised to meet specifically the needs of an international career service.

CHAPTER IV. THE UNITED STATES IMMIGRATION AND NATIONALITY ACT OF 24 DECEMBER 1952

109. On 24 December 1952, there came into force in the United States a new Immigration and Nationality Act which contains provisions of immediate relevance to staff members of the United Nations. Under this Act, the United States authorities will adjust to non-immigrant status any non-United States citizen in permanent residence (immigrant) visa status who has an occupational status which would entitle him to a diplomatic or international organization visa (G-4 visa). The United States Attorney General will cancel the record of such person's admission for permanent residence, and his immigrant status will therefore be terminated. The adjustment of status which is thus required is made inapplicable by the Act, however, if the individual files with the United States Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of his having an occupational status entitling him to the non-immigrant status.

110. According to regulations issued by the United States Attorney General, no United Nations staff member will have his residential status changed to G-4 visa status until he has received formal notice in writing from the United States authorities. The staff member will then have ten days from the receipt of that notice in which to execute the waiver of his privileges and immunities. Some staff members holding permanent residence visas are faced with the decision before the time of the general notification, for example, if they apply for a re-entry permit before proceeding on travel outside the United States.

111. An opinion by the Attorney General of the United States on the effect of these waivers is appended as annex III to the present report. According to this opinion, a United Nations staff member who signs the waiver can enjoy, under United States law, the same privileges and exemptions as are available to a United States citizen employed by the United Nations, but cannot assert privileges not available to a United States citizen. In illustration, the staff member would remain immune from suit and legal process in relation to his official United Nations functions, but he would become liable to United States income taxation on his income derived from the United Nations.

112. Following receipt of the text of the United States Act, the regulations adopted by the United States authorities in its implementation, and the opinion of the United States Attorney General, the Secretary-General issued a circular to the staff (ST/AFS/SER.A/214, dated 26 June 1953) in which he said in part:

"As far as the United Nations is concerned, the signature of the waiver referred to in the United States legislation may have consequences which will have to be carefully studied and may call for special rulings by the General Assembly or the Secretary-General. In the meantime, the Secretary-General, who has exclusive authority to waive privileges and immunities enjoyed

by United Nations staff members, is prepared to consider the request of any staff member for authorization of his signature of the waiver with the understanding that this waiver does not constitute a limitation of the immunities related to official acts of the staff member."

113. In the same circular, the Secretary-General made clear to the staff the policy he intended to follow on a few points of immediate practical importance, as described in the paragraphs below. At the same time, the Secretary-General instructed the staff to (a) request in writing his permission before they sign the waiver and to notify him of any subsequent changes in their visa status; (b) notify him in writing if they decide to change to G-4 visa status; (c) notify him in writing of their intention to acquire permanent residence status in the United States before they acquire such status, and obtain the Secretary-General's authorization before signing any waiver of personal immunity and privileges; and (d) notify the Secretary-General in writing of intention to change nationality before they complete the acquisition of a new nationality.

(i) *Financial implications*

114. In approximate figures, of 3,356 staff members at Headquarters, 1,755 are not citizens of the United States; 461 were, on 1 October 1953, in permanent residence status. Assuming that all these staff members elect to retain their permanent residence status in the United States, the amount of income taxation that would be reimbursable under the General Assembly's present instructions is estimated to be roughly \$360,000 for the first full taxation year.

115. Of these 461 staff members, 231 are at present entitled to the benefits and entitlements associated with international recruitment, of which home leave is the most considerable, amounting to an estimated annual cost of \$280,000 per annum. Costs of repatriation grant, education grant, and non-residence allowance are less, but of some importance.

116. Some 178 of these staff members are counted for the purpose of geographical distribution of the staff, in accordance with the formula approved by the General Assembly in 1947. The remainder of staff members entitled to the benefits of international recruitment are individual staff members in the General Service or Field Service categories originally recruited from outside the area of the Headquarters.

(ii) *Geographical distribution*

117. While the financial consequences are important, there may also be other implications in the case of staff members whose nationality was an important feature

of their selection for employment with the United Nations. If such staff members elect to become permanent residents of another country, there may be an implication of an intention not to maintain ties with the country of their nationality. A question may, therefore, arise with regard to the application of the principle of geographical distribution.

(iii) *Proposed policy*

118. Confident that they represent a reasonable and equitable solution of the problems created by the application to staff members of the United Nations of the relevant provisions of the new United States Immigration and Nationality Act, the Secretary-General requests the General Assembly to approve his proposals, as described below and as announced to the staff in his Information Circular:

(a) The Secretary-General recommends that the General Assembly authorize the reimbursement of United States taxation levied on income derived from the Organization in respect of staff members who elect to remain in permanent residence status.

(b) As a corollary to this authorization, the Secretary-General would provide through amendments in his staff rules that staff members who are not citizens of the United States, but who by signing the waiver confirm their permanent residence status in the United States, would:

- (i) Lose any eligibility for home leave. As a transitional measure, however, provided the staff members would otherwise have been eligible for home leave during 1953 or 1954, the staff members would be permitted to take one home leave during the year in which it would have fallen due. On 31 December 1954, entitlement to start on such a home leave would cease.
- (ii) Lose any entitlement to payment of non-resident's allowance from the date on which the staff rules were changed or from the end of the month in which they signed the waiver, whichever was later;
- (iii) Lose any entitlement to education grant after the completion of the 1953-1954 academic year. Such staff members would retain eligibility for one-way travel between the home country and the Headquarters on the completion of the 1953-1954 academic year on behalf of the dependent child.
- (iv) Lose any entitlement to repatriation grant.
- (v) Lose any eligibility for return transportation for themselves or their dependants, and for removal of household effects, which is based on "place of home leave".

ANNEXES

ANNEX I

Investigations by and information received from governments regarding staff members

A. AMENDMENT TO UNITED STATES EXECUTIVE ORDER RELATIVE TO UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT IN THE UNITED NATIONS

1. In the last report of the Secretary-General on personnel policy, reference was made to Executive Order 10422 (18 F.R. 239) of the President of the United States of America which prescribed procedures for making available to the Secretary-General certain information concerning United States citizens employed or being considered for employment by the Secretariat of the United Nations (A/2364, paragraphs 66 to 70 and Annex V). This Executive Order incorporated by

reference certain procedures provided by Executive Order 9835 of 21 March 1947, which were applicable to loyalty investigations of employees of the United States Government, including review by the Loyalty Review Board and the regional Loyalty Boards of the United States Civil Service Commission.

2. On 27 April 1953, Executive Order 9835 was revoked and a new programme governing security requirements for employees of the United States Government was established. The principal changes were: first, that the Heads of Departments or Agencies were made exclusively responsible for the review of information concerning their subordinates with the consequent discontinuance of the Loyalty Review Board and the regional Loyalty Boards; and second, the applicable standard was changed from "whether or not there is a

reasonable doubt as to loyalty" to "whether employment in the United States Government is clearly consistent with the interests of the national security" (Executive Order 10450, 18 F.R.2489).

3. The revocation of Executive Order 9835, by discontinuing the Loyalty Review Board and the regional Loyalty Boards, rendered it necessary to amend the Executive Order applicable to United States citizens employed or being considered for employment by the Secretariat of the United Nations. Consequently, on 2 June 1953, the President of the United States issued Executive Order 10459 (18 F.R.3183) for this purpose. The consolidated text of the amended Executive Order is set forth in the appendix to the present annex.

4. The amended Executive Order establishes an International Organizations Employees Loyalty Board, having authority in cases referred to it to enquire into the loyalty to the Government of the United States of United States citizens employed, or considered for employment, by international organizations of which the United States is a member, and to make advisory determinations for transmission by the Secretary of State of the United States to the Executive Head of the international organization concerned.

5. The new Executive Order specifically states that the determinations of the Board under the standard provided in the Order are "advisory opinions" for the use of the Secretary-General in exercising his rights and duties with respect to the personnel of the United Nations as set out in the Charter and in regulations and decisions of the competent organs of the United Nations.

6. The amendment makes no change in the standard to be applied by the Board, which remains "whether or not, on all the evidence, there is a reasonable doubt as to the loyalty of a person involved to the Government of the United States". Likewise the procedures remain unchanged with two exceptions. The first difference is that the investigative procedure is simplified for those persons whose employment does not exceed ninety days. In these cases the preliminary investigation need include only reference to government files; and the full field investigation to be conducted by the Federal Bureau of Investigation for internationally recruited staff is not required unless derogatory information is disclosed in the preliminary investigation. A second difference is that since a single board has replaced the regional Loyalty Boards and the Loyalty Review Board, the appeal from the regional Loyalty Boards to the latter has been eliminated.

B. OTHER INVESTIGATIONS BY UNITED STATES AUTHORITIES

7. Investigations conducted by a Special Federal Grand Jury of possible violations of United States law by United States citizens, who were members of the Secretariat, have been described in a prior report (A/2364, paragraphs 47 to 51). A new Federal Grand Jury was empanelled to continue this investigation in January 1953. Under United States law, Grand Jury investigations are in private and to date the Grand Jury has made no indictment or presentment.

8. The report also (A/2364, paragraphs 52 to 61) described the investigations by the Internal Security Sub-Committee of the United States Senate Committee on the Judiciary concerning activities of United States citizens employed by the United Nations who were suspected of subversive activities. Two United States citizens employed by the United Nations were questioned by the Sub-Committee on 19 February 1953.

9. In September 1953, following the judgments of the Administrative Tribunal, the Sub-Committee resumed its enquiry, this time with respect to those former staff members who had been awarded compensation by the Tribunal. The Chairman of the Sub-Committee, in opening public hearings, stated that the purpose of the investigation was to "determine why American citizens concerning whom there is evidence of communist membership, and who invoked the privilege against self-incrimination when this Sub-Committee asked them about this evidence, after having been dismissed by the Secretary-General of the United Nations, can be reinstated and granted large money indemnities". He added that the Sub-Committee must determine to what extent those American citizens had deceived the officials of the international organizations and whether they had made full dis-

closure of their subversive activity to the Tribunal. He said it must also determine to what extent money appropriated by the Congress of the United States for the administration of the United Nations is being turned over to communist agents particularly if those agents are citizens of the United States.

10. In September 1953, the Permanent Sub-Committee on Investigations of the United States Senate Committee on Government Operations also began an investigation of United States security with respect to the United Nations. Certain members of the United Nations Secretariat who were United States citizens or who had made application to become a United States citizen were heard in private session and a United States citizen employed by a delegation of another Member State was questioned in both private and public hearings. At the time of preparation of the present report, no Secretariat member had been called by the Sub-Committee in public hearing.

C. INFORMATION FROM GOVERNMENTS

11. In view of the investigations referred to in the two preceding sections, it is to be expected that information concerning loyalty and other matters with respect to United States citizens employed in the Secretariat will be received from time to time by the Secretary-General.

12. At the time of preparation of the present report, the Secretary-General has not received any advisory opinions of the International Organizations Employees Loyalty Board under amended Executive Order 10422. In the course of investigations under Executive Order 10422, however, certain information was disclosed not relating to loyalty, such for example as convictions for crimes not involving subversive activities and allegations of other acts reflecting on the integrity or suitability of the employee. This information was forwarded by the United States Government to the Secretary-General. Such information, although not coming under Executive Order 10422, may be a basis for further investigation by the Secretary-General.

13. Since the date of the last report on personnel policy derogatory information concerning staff members has also been received in a few cases from other Members of the United Nations. This information, likewise, may serve as a basis for enquiry by the Secretary-General.

APPENDIX

UNITED STATES EXECUTIVE ORDER 10422 OF 9 JANUARY 1953, AS AMENDED BY EXECUTIVE ORDER 10459 OF 2 JUNE 1953

PRESCRIBING PROCEDURES FOR MAKING AVAILABLE TO THE SECRETARY-GENERAL OF THE UNITED NATIONS CERTAIN INFORMATION CONCERNING UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT ON THE SECRETARIAT OF THE UNITED NATIONS

Whereas the United States has ratified the Charter of the United Nations and is participating in the activities of the United Nations by virtue of the ratification of the said Charter (59 Stat. 1031), and of the authority granted by the United Nations Participation Act of 1945 (59 Stat. 619); and

Whereas a Commission of Jurists has advised the Secretary-General of the United Nations that he should regard it as of the first importance to refrain from employing or to dismiss from employment on the Secretariat of the United Nations any United States citizen who he has reasonable grounds for believing has been, is, or is likely to be, engaged in espionage or subversive activities against the United States; and

Whereas the Commission of Jurists has also advised that the United States should make available to the Secretary-General information on which the Secretary-General can make his determination as to whether reasonable grounds exist for believing that a United States citizen employed or being considered for employment on the Secretariat has been, is, or is likely to be, engaged in espionage or subversive activities against the United States; and

Whereas the Commission of Jurists has further advised that the independence of the Secretary-General and his sole responsibility to the General Assembly of the United Nations for the selection and retention of staff should be recognized by all Member Nations; and

Whereas the Secretary-General has declared his intention to use the conclusions and recommendations of the opinion of the said Commission of Jurists as the basis of his personnel policy in discharging the responsibilities entrusted to him by the Charter and staff regulations of the United Nations; and

Whereas in the participation by the United States in the activities of the United Nations it is in the interest of the United States that United States citizens who are employees of the Secretariat of the United Nations be persons of the highest integrity and not persons who have been, are, or are likely to be, engaged in espionage or subversive activities against the United States; and

Whereas it is in the interest of the United States to establish a procedure for the acquisition of information by investigation and for its transmission to the Secretary-General in order to assist the Secretary-General in the exercise of his responsibility for determining whether any United States citizen employed or being considered for employment on the Secretariat has been, is, or is likely to be, engaged in espionage or subversive activities against the United States; and

Whereas such procedure should afford opportunity for hearing to any United States citizen employed or being considered for employment on the Secretariat as to whom an investigation discloses derogatory information, so that the person affected may challenge the accuracy of any such information;

Now, therefore, by virtue of the authority vested in me by the Constitution, statutes, and treaties of the United States, including the Charter of the United Nations, and as President of the United States, it is hereby ordered as follows:

Part I. Investigation of United States citizens employed or being considered for employment on the Secretariat of the United Nations

1. Upon the receipt by the Secretary of State from the Secretary-General of the United Nations of the name and of other necessary identifying data concerning each United States citizen employed or being considered for employment by the United Nations, there shall be an investigation of such person in accordance with the standard set forth in part II of this order.

2. The Secretary of State shall forward the information received from the Secretary-General of the United Nations to the United States Civil Service Commission, and the Commission shall conduct a preliminary investigation.

3. The preliminary investigation conducted by the Civil Service Commission shall be a full background investigation conforming to the investigative standards of the Civil Service Commission, and shall include reference to the following:

- (a) Federal Bureau of Investigation files.
- (b) Civil Service Commission files.
- (c) Military and naval intelligence files as appropriate.
- (d) The files of any other appropriate government investigative or intelligence agency.
- (e) The files of appropriate committees of the Congress.
- (f) Local law-enforcement files at the place of residence and employment of the person, including municipal, county, and state law-enforcement files.
- (g) Schools and colleges attended by the person.
- (h) Former employers of the person.
- (i) References given by the person.
- (j) Any other appropriate source.

However, in the case of short-term employees whose employment does not exceed ninety days, such investigation need not include reference to sub-paragraph (f) through (j) of this paragraph.

4. Whenever information disclosed with respect to any person being investigated is derogatory, within the standard set forth in part II of this order, the United States Civil Service Commission shall forward such information to the Federal Bureau of Investigation, and the Bureau shall conduct a full field investigation of such a person. Provided that in all cases involving a United States citizen employed or being considered for employment on the internationally recruited staff of the United Nations for a period exceeding ninety days, the investigation required by this part shall be a full field investigation conducted by the Federal Bureau of Investigation.

5. Reports of full field investigations shall be forwarded through the United States Civil Service Commission to the International Organizations Employees Loyalty Board, established by part IV of this order and hereinafter referred to as the Board. Whenever such a report contains derogatory information, under the standard set forth in part II of this order, there shall be made available to the person in question the procedures of the Board provided or authorized by part IV of this order (including the opportunity of a hearing) for inquiring into the loyalty of the person as a United States citizen in accordance with the standard set forth in part II of this order. The Board shall transmit its determinations, as advisory opinions, together with the reasons therefor stated in as much detail as the Board determines

that security considerations permit, to the Secretary of State for transmission to the Secretary-General of the United Nations for his use in exercising his rights and duties with respect to the personnel of the United Nations as set out in the Charter and regulations and decisions of the competent organs of the United Nations.

6. At any stage during the investigation or Board proceeding, the Board may transmit to the Secretary of State, for forwarding to the Secretary-General, in as much detail as the Board determines that security considerations permit, the derogatory information disclosed by investigation. This shall be for the purpose of assisting the Secretary-General in determining whether or not he should take action with respect to the employee, or the person being considered for employment, prior to the completion of the procedures outlined in this order. The making available of any such information shall be without prejudice to the right of full hearing as provided for herein.

7. The Secretary of State shall notify the Secretary-General in all cases in which no derogatory information has been developed.

Part II. Standard

1. The standard to be used by the Board in making an advisory determination as provided for in paragraph 5 of part I of this order with respect to a United States citizen who is an employee of, or is being considered for employment by, the United Nations, shall be whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States.

2. Activities and associations of a United States citizen who is an employee or being considered for employment by the United Nations which may be considered in connexion with the determination whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States may include one or more of the following:

- (a) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs.
- (b) Treason or sedition or advocacy thereof.
- (c) Advocacy of revolution or force or violence to alter the constitutional form of government of the United States.
- (d) Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of United States documents or United States information of a confidential or non-public character obtained by the person making the disclosure as a result of his previous employment by the Government of the United States or otherwise.
- (e) Performing or attempting to perform his duties, or otherwise acting, while an employee of the United States Government during a previous period, so as to serve the interests of another government in preference to the interests of the United States.
- (f) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, or group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

Part III. Other international organizations

The provisions of parts I and II of this order shall be applicable to United States citizens who are employees of, or are being considered for employment by, other public international organizations of which the United States Government is a member, by arrangement between the executive head of the international organization concerned and the Secretary of State or other Officer of the United States designated by the President.

Part IV. International Organizations Employees Loyalty Board

1. There is hereby established in the Civil Service Commission an International Organizations Employees Loyalty Board of not less than three impartial persons, the members of which shall be officers or employees of the Commission.

2. The Board shall have authority in cases referred to it under this order to inquire into the loyalty to the Government of the United States of United States citizens employed, or considered for employment, by international organizations of which the United States is a member, and to make advisory determinations in such cases, under the standard set forth in part II of this order, for transmission by the Secretary of

State to the executive heads of the international organizations coming under the arrangements made pursuant to parts I and III of this order.

3. The Board shall make necessary rules and regulations, not inconsistent with the provisions of this order, for the execution of its functions. There shall be included in such rules and regulations provisions for furnishing each person whose case is considered by the Board:

(a) A written statement of the alleged derogatory information, in as much detail as security considerations permit.

(b) An opportunity to answer or comment upon the statement of alleged derogatory information, in writing, and to submit affidavits.

(c) An opportunity for hearing before the Board or a panel thereof of at least three members, including the right of the person to be represented by counsel, to present witnesses and other evidence in his behalf, and to cross-examine witnesses offered in support of the derogatory information: Provided, that the Board shall conduct its hearings in such manner as to protect from disclosure information affecting the national security.

4. Based upon all the evidence before it, including such confidential information as it may have in its possession, the Board shall make its determinations in writing, and shall send to each person who is the subject thereof a copy. In cases in which hearing or other action is by a panel of three members, the action or determination of the panel shall constitute the action or determination of the Board, except that rules and regulations pursuant to paragraph 3 of this part shall be adopted by action of the Board as a whole.

5. Except as otherwise specified in this order, the Civil Service Commission shall provide the necessary investigative and other services required by the Board. All agencies of the executive branch of the Government are authorized and directed to cooperate with the Board, and, to the extent permitted by law, to furnish the Board such information and assistance as it may require in the performance of its functions.

6. All cases arising under this order which are pending before the regional Loyalty Boards and the Loyalty Review Board of the Commission on the effective date of Executive Order No. 10450 of 27 April 1953, shall on that date be transferred to the Board.

ANNEX II

Recent judgments of the Administrative Tribunal

1. On 21 August 1953, the Administrative Tribunal rendered judgments (Judgments Nos. 18 to 38, AT/DEC/18 to 38) in the cases of twenty-one former United Nations staff members of United States nationality who contended that their discharge was illegal. Ten of these cases related to terminations of temporary appointments, ten to terminations of permanent appointments and one to the summary dismissal for serious misconduct of a staff member who held a permanent appointment.

2. The Administrative Tribunal sustained the termination action of the Secretary-General in nine cases involving temporary appointments; it decided in favour of the terminated staff members in one case concerning a temporary appointment and in ten cases concerning permanent appointments, ordering reinstatement in four cases and payment of compensation in lieu of reinstatement in seven others; and it decided, with respect to the summary dismissal, that the proceedings of the Joint Appeals Board in the case had not been valid, that consequently the submission of the case to the Administrative Tribunal was not regular, and that it should be re-submitted to the Joint Appeals Board.

3. In the exercise of his powers under article 9 of the Statute of the Administrative Tribunal, the Secretary-General decided not to reinstate the applicants in the four cases where reinstatement had been ordered by the Tribunal. Consequently, on 13 October 1953, the Tribunal handed down four judgments (Judgments Nos. 39 to 42, AT/DEC/39 to 42) determining the amounts of compensation in these four cases.

4. In all cases where the applicants were successful, the Administrative Tribunal awarded full salary up to the date of the judgment less the amount paid at termination in lieu of notice and less also the amount of termination indemnity; it also awarded \$300 for legal costs in each of these cases. In addition to these sums, it awarded the following amounts of compensation:

	Dollars (US)
Judgment No. 29	6,000
Judgment No. 31	40,000
Judgment No. 33	20,000
Judgment No. 34	27,500
Judgment No. 35	12,000
Judgment No. 36	7,000
Judgment No. 37	10,000 ^a
Judgment No. 39	16,000
Judgment No. 40	20,000
Judgment No. 41	7,500
Judgment No. 42	4,730
TOTAL	170,730 ^a

^a Plus pension rights.

^b Plus pension rights in one case.

5. While it is not appropriate to summarize the judgments of the Administrative Tribunal, it might be of assistance to the General Assembly to have before it the more important rulings made in those judgments. These rulings are contained in the following series of quotations.

A. LACK OF COMPETENCE OF THE ADMINISTRATIVE TRIBUNAL TO DETERMINE VALIDITY UNDER THE CHARTER

"Under the terms of its Statute, the Tribunal is not competent to pass judgment on the validity, in relation to the Charter, of an agreement made between the Secretary-General and a Member State, whatever influence this agreement might actually have had on the decision taken in respect of the Applicant. It is part of the Tribunal's function, however, to consider whether the termination of the Applicant's employment is in conformity with the provisions of the Staff Regulations and the Staff Rules." (AT/DEC/19 to 27 and AT/DEC/29 to 37.)

B. ACQUIRED RIGHTS OF STAFF MEMBERS

"Relations between staff members and the United Nations involve various elements and are consequently not solely contractual in nature..."

"In determining the legal position of staff members a distinction should be made between contractual elements and statutory elements..."

"All matters being contractual which affect the personal status of each staff member, e.g., nature of his contract, salary, grade;

"All matters being statutory which affect in general the organization of the international civil service, and the need for its proper functioning, e.g. general rules that have no personal reference.

"While the contractual elements cannot be changed without the agreement of the two parties, the statutory elements on the other hand may always be changed at any time, through regulations established by the General Assembly, and these changes are binding on staff members..."

"With regard to the case under consideration the Tribunal decides that a statutory element is involved and that in fact the question of the termination of temporary appointments is one of a general rule subject to amendment by the General Assembly and against which acquired rights cannot be invoked." (AT/DEC/19 to 25 and AT/DEC/27.)

C. INTERPRETATION OF STAFF REGULATION 9.1 (c): DISCRETIONARY POWER OF THE SECRETARY-GENERAL WITH RESPECT TO TEMPORARY APPOINTMENTS

"The discussions in the Fifth Committee show that the intention of the authors of the United Nations Staff Regulations approved by General Assembly resolution 590 (VI) of 2 February 1952 was to invest the Secretary-General with discretionary powers in the termination of temporary appointments." (AT/DEC/19 to 25 and AT/DEC/27.)

"It is not a question of the opinion of the Tribunal but of the opinion of the Secretary-General." (AT/DEC/21 and AT/DEC/24.)

"Such discretionary powers must be exercised without improper motive so that there shall be no misuse of power, since any such misuse of power would call for the rescinding of the decision." (AT/DEC/19, AT/DEC/20, AT/DEC/22, AT/DEC/23, AT/DEC/25, AT/DEC/27.)

D. RIGHT OF THE STAFF TO BE MEMBERS OF POLITICAL PARTIES

"Staff Regulation 1.4 recognizes the right of staff members not to give up their political opinions. So that membership of any particular party would not, of itself, be a justification, in the absence of other cause, for dismissal..."

"A decision based on such premises is a violation of an inalienable right of staff members and represents a misuse of power." (AT/DEC/18.)

E. TERMINATION ON THE RECOMMENDATION OF THE SELECTION COMMITTEE (WALTERS COMMITTEE)

"The Tribunal finds that the grounds alleged for the termination of the Applicant's employment [a recommendation of the Walters Selection Committee] appear to be such as might cause the Secretary-General to reach the opinion that the termination was in the interest of the United Nations under article 9.1 (c) of the Staff Regulations." (AT/DEC/26.)

F. THE STAFF REGULATIONS AND RULES EXHAUSTIVELY LIST THE GROUNDS AND CONDITIONS OF TERMINATION OF PERMANENT APPOINTMENTS

"Under the regulations established by the General Assembly, permanent appointments cannot be terminated except in accordance with the Staff Regulations, which list exhaustively the grounds on which and the conditions in which an appointment may be terminated.

"Thus the Secretary-General can only act under a provision of the Staff Regulations. He must indicate the provision upon which he proposes to rely, and conform with the conditions and procedures laid down in the Staff Regulations..."

"The Tribunal notes that the opinion of the three jurists—according to which the Secretary-General can go beyond the provisions of the Staff Regulations and terminate an appointment because of the contractual relationship between a staff member and the Secretary-General—disregards the nature of permanent contracts and the character of the regulations governing termination of employment established by the General Assembly under Article 101 of the Charter." (AT/DEC/29 to 37.)

G. STAFF REGULATION 9.1 (a) ON TERMINATION FOR UNSATISFACTORY SERVICES DOES NOT APPLY TO ACTS OUTSIDE A STAFF MEMBER'S PROFESSIONAL DUTIES

"The scope of the term 'unsatisfactory services' is to be determined by examination of the meaning given to the word 'services' in the Staff Regulations and Rules. It appears clearly that the words 'services' is used in the Staff Regulations and Rules solely to designate professional behavior within the Organization and not to cover all the obligations incumbent on a staff member. If it is admitted that the plea of constitutional privilege in respect of acts outside a staff member's professional duties constitutes a breach of Staff Regulation 1.4, this fact cannot be considered as unsatisfactory services and cannot fall within the purview of Staff Regulation 9.1." (AT/DEC/29 to 37.)

"... the breaches of the oath and of Staff Regulations 1.4 of which the Applicant is alleged to be guilty concern her behavior before an official organ of the United States and relate to acts outside her professional duties. They concern her private life, not her professional life. The obligations by which she may be bound in that respect relate to her conduct, not to her services." (AT/DEC/38.)

H. STAFF REGULATION 10.2 DID NOT ENTITLE THE SECRETARY-GENERAL TO DISPENSE WITH THE DISCIPLINARY PROCEDURE IN THESE PARTICULAR CIRCUMSTANCES

"Misconduct punishable under Staff Regulation 10 could be either misconduct committed in the exercise of a staff member's professional duties or acts committed outside his professional activities but prohibited by provisions creating general obligations for staff members..."

"Except in cases of agreement between the person concerned and the Administration, the disciplinary procedure should be dispensed with only in those cases where the

misconduct is patent and where the interest of the service required immediate and final dismissal.

"In the present case, the Applicant invoked the privilege provided for in the constitution of his country. This step did not give rise to subsequent legal proceedings against the Applicant. This provision of the constitution may be properly invoked in various situations which, because of the complexity of the case law, cannot be summarized in a simple formula.

"The legal situation resulting from recourse to the Fifth Amendment was so obscure to the Secretary-General himself that he considered it desirable to seek clarification from a Commission of Jurists. Their conclusions were later discussed by the General Assembly, which reached no decision on them. Subsequently, these conclusions were partially set aside by the Secretary-General himself.

"The nature of serious misconduct appeared so disputable to the Secretary-General that he granted termination indemnities, which are expressly forbidden by the Staff Regulations (Annex III) in cases of summary dismissal.

"Whatever view may be held as to the conduct of the Applicant, that conduct could not be described as serious misconduct, which alone under Staff Regulation 10.2 and the relevant Rules, justifies the Secretary-General in dismissing a staff member summarily without the safeguard afforded by the disciplinary procedure." (AT/DEC/29 to 37.)

I. POWER OF THE SECRETARY-GENERAL TO ESTABLISH SPECIAL COMMITTEES

"With regard to the procedure followed before the decision contested was taken, the Tribunal recognized that the Secretary-General may, if he deems fit, set up a special committee to clarify or advise him on a specific situation. Such a committee cannot, however, supersede the bodies set up by the Staff Regulations or Rules in cases where the intervention of such bodies is prescribed." (AT/DEC/38.)

J. POWERS OF THE TRIBUNAL WITH RESPECT TO THE AWARD OF LEGAL COSTS

"... The Tribunal... notes... that... Article 12 of the Staff Rules authorizes applicants to be represented by counsel, and that accordingly costs may be incurred in submitting claims. It recalls that in a general statement of 18 December 1950 it pointed out that it could grant compensation for such costs if they are demonstrated to have been unavoidable, if they are reasonable in amount and if they exceed the normal expenses of litigation before the Tribunal. Recalling the case law of the League of Nations (judgments No. 13 of 7 March 1934 and No. 24 of 26 February 1946) that '*il n'y a aucune raison pour déroger au principe général de droit que les dépens, sauf compensation, sont payés par la partie qui succombe*', the Tribunal considers that it is competent to pronounce upon the costs." (AT/DEC/18, AT/DEC/29 to 38.)

K. PRINCIPLES GOVERNING THE AWARD OF COMPENSATION

"The injury to be indemnified is that which results from the Secretary-General's refusal to reinstate. To determine the injury suffered, the Tribunal must consider to what extent the Applicant has expectation of continued employment, taking into account the terms and nature of the contract, the Staff Rules and Regulations and the facts pertaining to the situation, and must evaluate the Applicant's chances of earning a livelihood after separation from the United Nations." (AT/DEC/39 to 41.)²

"In view of the nature of the Applicant's contract, the Tribunal is of the opinion that the damage sustained by the Applicant in consequence of the Secretary-General's decision not to reinstate her cannot be precisely calculated. However, there can be no doubt that the Applicant suffered injury by reason of the Secretary-General's refusal of reinstatement. In evaluating this injury the Tribunal has

² These judgments concern the refusal to reinstate former staff members who had held permanent appointments.

to give consideration to the spirit of the Staff Rules and Regulations and to take fully into account the circumstances surrounding the case." (AT/DEC/42.)³

ANNEX III

Opinion of United States Attorney General concerning the effect of waivers under section 247 of the Immigration and Nationality Act

Honorable John Foster Dulles,
Secretary of State,
Washington, D.C.

My dear Mr. Secretary:

This is in response to requests from the former Legal Adviser of your Department, Mr. Adrian S. Fisher, and from the present United States Representative to the United Nations, Ambassador Henry Cabot Lodge, Jr., asking for advice on the effect of waivers executed under section 247 of the Immigration and Nationality Act (66 Stat. 163, 218; P.L. 414, 82nd Cong.).

Under section 247,⁴ the Attorney General is required to adjust the status of an alien lawfully admitted for permanent residence, and thereby enjoying immigrant status, to that of a nonimmigrant in one of three specified classes under section 101 (a) of the Act⁵ (roughly, accredited foreign government official, representative to or official of an international organization, or treaty trader), if the alien at the time of entry or thereafter acquires an occupational status which, were he seeking admission to the United States, would entitle him to a nonimmigrant status in one of the three classes. The Attorney General's order of adjustment terminates the alien's immigrant status.

However, as provided in section 247 (b), the alien may avoid the loss of and retain his immigrant status, even though he is in one of the three classes of occupations, if he files with the Attorney General a written waiver of "all rights, privileges, exemptions, and immunities under any law or any executive order" which would otherwise accrue to him because of his occupational status. The Attorney General's regulations (Title 8, Part 247, effective 24 December 1952, 17 F.R. 11520) and the prescribed waiver (Form I-508) follow the quoted language of the statute; and the general question

is, what are the rights, privileges, exemptions, and immunities surrendered by the immigrant alien who is in one of the three occupational classes and files a waiver? More specifically, as Ambassador Lodge's inquiry indicates, the chief concern, in the case of international organizations like the United Nations, in the effect of such waivers on the immunity of officials of the organization from legal process relating to acts performed by them in their official capacity, and the immunity of employees from income taxation on salaries paid by the organization.

The Congress in drafting section 247, and in the legislative history of the Immigration and Nationality Act, made no attempt to list the rights, privileges, exemptions, and immunities it had in mind. However, it did leave in the legislative history an indication of the kind of rights and privileges it felt should be and would be waived by the immigrant alien employed by an international organization or a foreign diplomatic mission if he wished to retain both his immigrant status and his occupation. Based upon these references, we are in a position to offer some general advice on the effect of a waiver under section 247 (b), but must leave to future administrative or judicial rulings the precise effect of individual waivers in the variety of situations that may arise.

The bill which became the Immigration and Nationality Act (HR 5678, 82nd Cong.) was one of a number introduced as the result of an investigation and study of the entire immigration and naturalization system by the Senate Committee on the Judiciary, pursuant to Senate Resolution 137 of the 80th Congress. In its report on the investigation made to the 81st Congress, the Committee considered the status of the various classes of nonimmigrants and made five recommendations for changes in the immigration laws relating to accredited officials of foreign governments and representatives and officials of international organizations. These recommendations, it stated, would not "in its opinion jeopardize the conduction (sic) of the foreign relations of the United States". (S. Report 1515, 81st Cong., page 523.) The fifth of these recommendations read as follows:

"5. It is also recommended that provision be made for the adjustment of the status of a lawfully admitted permanent alien resident to that of a nonimmigrant admitted under the foreign government official or international organization category where the alien acquires an occupational status which would entitle him to such non-immigrant status if he were applying for admission. The

³ This judgment concerns the refusal to reinstate a former staff member who had held a temporary appointment.

⁴ Section: 247. "(a) The status of an alien lawfully admitted for permanent residence shall be adjusted by the Attorney General, under such regulations as he may prescribe, to that of a nonimmigrant under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a), if such alien had at the time of entry or subsequently acquires an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under such sections. As of the date of the Attorney General's order making such adjustment of status, the Attorney General shall cancel the record of the alien's admission for permanent residence, and the immigrant status of such alien shall thereby be terminated.

"(b) The adjustment of status required by subsection (a) shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a)."

⁵ Section 101 (a) (15) of the Act defines the term "immigrant" to mean every alien except an alien who is within one of the classes of nonimmigrants described in subsections (A) to (I), inclusive, of that section; the three subsections referred to in section 247 read as follows:

"(A) (i) An ambassador, public minister, or career diplomat or consular officer who has been accredited by a foreign government recognized *de jure* by the United States and who is accepted by the Secretary of State, and the members of the alien's immediate family;

"(ii) Upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized *de jure* by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

"(iii) Upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a nonimmigrant status under (i) and (ii) above;

"(E) An alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him; (i) solely to carry on substantial trade, principally between the United States and the foreign state of which he is a national; or (ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital;

"(G) (i) a designated principal resident representative of a foreign government recognized *de jure* by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemption, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), accredited resident members of the staff of such representatives, and members of his or their immediate family;

"(ii) Other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;

"(iii) An alien able to qualify under (i) and (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized *de jure* by the United States, or that the government of which he is an accredited representative is not a member of such international organization, and the members of his immediate family;

"(iv) Officers, or employees of such international organizations, and the members of their immediate families;

"(v) Attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees."

subcommittee recommends that since such persons acquire the wide privileges, exemptions, and immunities applicable to such aliens under our laws, they should not have the privilege of acquiring citizenship while in that occupational status." (S. Report 1515, 81st Cong., page 525.)

This recommendation might have been carried out by including a provision of law depriving of their immigrant status immigrants who acquired the privileges, exemptions, and immunities attaching to their occupations. Instead, the 82nd Congress took a less severe course and, in adopting section 247, gave immigrants in those occupations a choice of retaining privileges and surrendering immigrant status or of waiving privileges and keeping immigrant status.

In so doing, both the House and Senate Committee said: "In section 247, the Attorney General is required to adjust the status of immigrants who, subsequent to entry, acquire an occupational status which would entitle them to a non-immigrant status... This is intended to cover the situation where aliens who have entered as immigrants obtain employment with foreign diplomatic missions or international organizations or carry on the activities of treaty traders. Normally, they would be classified as nonimmigrants and, because of the nature of their occupation, would be entitled to certain privileges, immunities and exemptions. The committee feels that it is undesirable to have such aliens continue in the status of lawful permanent residents and thereby become eligible for citizenship, when, because of their occupational status they are entitled to certain privileges, immunities, and exemptions which are inconsistent with an assumption of the responsibilities of citizenship under our laws.⁶ Such an adjustment shall not be required if the alien executes an effective waiver of all rights, privileges, exemptions, and immunities under any law or any Executive order which would otherwise accrue to him because of his occupational status." (H. Report 1365, 82nd Cong. pages 63 and 64, S. Report 1137, 82nd Cong., page 26.)

In other words, the concern was that the assertion of certain privileges and exemptions by immigrants, who were employed by international organizations and foreign missions but who entered this country ostensibly with the idea of becoming citizens, was inconsistent with their proposed assumption of the responsibilities of citizenship, accordingly, such privileges should not be available to them. At the same time, the Congress disclaimed any intention of jeopardizing conduct of the foreign relations of the United States (*supra*, S. Report 1515, 81st Cong., page 523), which includes not jeopardizing the lawful activities of the international organizations and foreign missions located here, who normally engage Americans as well as aliens to conduct their business. In some instances our laws, granting the necessary protections and privileges for these organizations and missions and their employees, draw no distinctions between American and alien employees, treating all alike; in other cases, the privileges granted are not available to Americans but only to the non-citizen employees. Hence it is clear that the Congress intended to deprive immigrant aliens employed in the international organizations and foreign missions of the privileges and exemptions resulting from the occupational status which would not be equally available to American citizens similarly situated. Conversely, it was not the intention of the Congress to require immigrants in these occupations to surrender privileges which American citizens similarly employed may assert. Obviously, if American citizens may lawfully exercise such privileges, the privileges would not appear to be inconsistent with the responsibilities of citizenship.

The Congress might have discriminated entirely against immigrants in favor of citizens, but it did not do so. On the contrary it sought, by the election offered under section 247, to place immigrants and citizens in the specified categories of employment on an equal footing by denying to immigrants special privileges, exemptions, and immunities not available to citizens similarly employed.

For example, section 116 (h) of the Internal Revenue Code (26 U.S.C. 116 (h)) exempts from federal income taxation the compensation of an employee of an international organization if the employee is not a citizen of the United States. Thus, under this section of the law, American citizen employees of international organizations do not enjoy exemption from federal income taxes. Hence, to the extent that the federal income tax exemptions of employees of an inter-

national organization rest upon section 116 (h) of the Internal Revenue Code, American citizen employees individually bear an obligation of citizenship (the payment of taxes) which immigrant employees, who are potential citizens, heretofore had no need to bear as individuals (disregarding any equalization of pay that the employer organizations may attempt to work out). Therefore, the tax exemptions under section 116 (h), claimable by an immigrant alien on one of the specified occupations, is an exemption which he waives when he files the waiver under section 247 of the Immigration and Nationality Act.

A converse example, in the matter of legal process, is section 7 (b) of the International Organizations Immunities Act (22 U.S.C. 288d) under which officers and employees of international organizations shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such officers or employees, subject to waiver of the immunity by the international organization. In the case of the United Nations, these privileges together with the others in the Act became effective pursuant to Executive Order No. 9698 of February 19, 1946 (11 F.R. 1809). No distinction is made in the statute between citizen and non-citizen employees of the international organization. Hence it would appear that an immigrant alien employee of the United Nations who properly claims the immunity from suit and legal process for official acts allowed under section 7 (b) asserts no greater privilege than would an American citizen employee similarly situated. Accordingly, the waiver of immunities under section 247 of the Immigration and Nationality Act by the immigrant employee of the United Nations would not appear to be a waiver of the immunity from suit and legal process to which section 7 (b) of the International Organizations Immunities Act entitles him.

Application of the foregoing principles in interpreting waivers under section 247, on a case-by-case basis as different situations arise, should accomplish the objectives laid down by the Congress. It should result in placing the employee of an international organization or foreign mission, who happens to be an immigrant, in a position of parity with his fellow American employee of the same organization by allowing the immigrant employee no greater privileges in connection with the employment than an American citizen similarly employed. In maintaining his immigrant status and preparing for American citizenship, the immigrant employee of the international organization or foreign mission will not be asserting privileges which he could not obtain and assert were he an American citizen in the same employment. Whatever rights remain and accrue to him as a result of the occupational status will be consistent with his "assumption of the responsibilities of citizenship under our laws."

(Signed) Herbert BROWNELL
Attorney General

ANNEX IV

Text of draft amendments to the staff regulations

(i) DRAFT AMENDMENT TO STAFF REGULATION 9.1 (a) REGARDING TERMINATION OF PERMANENT APPOINTMENTS

The Secretary-General proposed the addition of the following paragraph to regulation 9.1 (a):

"The Secretary-General may also terminate the appointment of a staff member who holds a permanent appointment:

"(i) If the conduct of the staff member indicates that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

"(ii) If he learns of facts, anterior to the appointment of the staff member and relevant to his administrative suitability, which, if they had been known when the staff member was appointed, should, under the standards established in the Charter, have precluded his appointment; or

"(iii) If such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter.

"No termination under this paragraph shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General."

⁶ Mr. Brownell's italics.

(ii) DRAFT AMENDMENT TO STAFF REGULATION 1.4 RELATING TO CONDUCT REFLECTING ON INTEGRITY, INDEPENDENCE AND IMPARTIALITY

The Secretary-General proposed to amend staff regulation 1.4 as follows:

"Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status."

(iii) DRAFT AMENDMENT TO STAFF REGULATION 1.7 RELATIVE TO POLITICAL ACTIVITIES ON THE PART OF STAFF MEMBERS

The Secretary-General proposed to replace the present staff regulation 1.7 by a new provision reading as follows:

"Unless otherwise authorized in accordance with staff rules issued by the Secretary-General, staff members shall not engage in any political activities outside the scope of their official duties, other than voting."

(iv) DRAFT AMENDMENT TO STAFF REGULATION 9.3

The Secretary-General proposed to add to the present staff regulation 9.3 a new provision reading as follows:

"The Secretary-General may, when he considers it justified, pay to a staff member terminated under staff regulation 9.1 (a) an indemnity payment twice that which would otherwise be payable under the staff regulations."

DOCUMENT A/2555

Twenty-first report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[14 November 1953]

1. The General Assembly on 1 April 1953 adopted resolution 708 (VII) reading as follows:

"The General Assembly,

"Recalling the following provisions of Articles 100 and 101 of the Charter:

" 'Article 100

" '1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

" '2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

" 'Article 101

" '1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

" '.....

" '3. 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.'

and

"Having reviewed and considered the report of the Secretary-General on personnel policy.⁷

"1. Expresses its confidence that the Secretary-General will conduct personnel policy with these considerations in mind;

"2. Requests the Secretary-General to submit to the General Assembly at its eighth session a report on the progress made in the conduct and development of personnel policy, together with the comments of the Advisory Committee on Administrative and Budgetary Questions thereon;

"3. Invites the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions to submit, after appropriate consultations with the administrative heads of the specialized agencies, their recommendations as to any further action that may be required of the General Assembly;

"4. Calls upon all Members of the United Nations to assist the Secretary-General in the discharge of his responsibilities as chief administrative officer of the United Nations."

2. The report submitted by the Secretary-General in accordance with the above resolution (A/2533)⁸ is divided into two parts, the first part relating to paragraph 3 of the foregoing resolution and the second part to paragraph 2.

3. The Advisory Committee has based its consideration of the report on the decision taken by the Fifth Committee at its 402nd meeting on 5 November 1953. By that decision, the latter Committee granted to the Advisory Committee discretion regarding the scope and contents of its report. It requested, however, that due regard should be paid, in the exercise of that discretion, to the views expressed by various representatives at the above-mentioned meeting of the Fifth Committee.

4. The study made by the Advisory Committee has also been governed by the element of time. It has been necessary to take account of the Fifth Committee's schedule and of the date for the closing of the current General Assembly session. This has compelled the Advisory Committee to concentrate its attention on part I of the Secretary-General's report. The Committee regrets that it is thus prevented from submitting a full report. It will, however, seek an opportunity to comment at a later date during the eighth session of the General Assembly on certain other questions that are raised by

⁷ See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 75, document A/2364.

⁸ Except where otherwise indicated, paragraphs cited in the present report are those contained in document A/2533.

the Secretary-General in part II of his report, and notably on the financial and administrative issues to which the coming into force of the United States Immigration and Nationality Act of 1952 gives rise.

DRAFT AMENDMENTS TO THE STAFF REGULATIONS

(i) Draft amendment to staff regulation 9.1 (a) regarding termination of permanent appointments

(a) Sub-paragraph (i)

5. In paragraphs 28 to 35 of his report the Secretary-General touches upon the standards of integrity that should be applied to members of the Secretariat. He refers to the discrepancy in this respect that exists between the Charter (which contains a relevant provision in Article 101, paragraph 3) and the staff regulations, which make no explicit reference to integrity. The Secretary-General points out in paragraph 29 that "the full sense and all the implications of the word 'integrity' as used in the Charter—obviously with reference to certain generally accepted moral standards—are not covered by the phrases 'unsatisfactory service' or 'misconduct', as used in the staff regulations and interpreted by the Administrative Tribunal". He describes the conflicts between the administrative and strictly legal approaches that may in consequence arise, and reaches the conclusion that the remedy lies in amplifying in the staff regulations the grounds on which the Secretary-General may terminate appointments.

6. The Advisory Committee, while concurring in the proposed addition of paragraph (i), does so subject to the following observations:

(i) It is consonant with the spirit and the letter of the Charter to terminate the appointment of a staff member whose conduct argues or betrays a lack of integrity. In this connexion, the Advisory Committee takes note of the distinction which the Secretary-General rightly draws between integrity and loyalty when he states that "the term 'integrity' and the term 'loyalty', as often applied in the political sphere, do not cover the same set of considerations, although, of course, in a case of contested 'loyalty', acts might come to light which indicate a lack of integrity as an independent fact" (paragraph 59).

(ii) The Secretary-General shows, in paragraph 43, that he would interpret narrowly the criterion of "integrity", restricting its application to "morally objectionable attitudes or actions". Elsewhere also in the body of the report, the references to this matter are consistent with such an interpretation: "lack of integrity" is the term used. In the text of the proposed amendment to staff regulation 9.1 (a), the Secretary-General has used the phrase "the high standards of integrity required by Article 101, paragraph 3, of the Charter" (paragraph 58). The Advisory Committee attempts no definition of the term as used in the Charter.

(iii) Where there is ambiguity or serious omission in the staff regulations, revisions are justified. These should, however, be so clear and precise that the risk of future doubt will be removed.

(b) Sub-paragraph (ii)

7. The Advisory Committee wonders whether the purposes of the revision require for their accomplishment a special provision within the staff regulations. Concealment of facts or, more generally, the misrepresentation of facts germane to his candidature might well be considered as showing a lack of integrity for which a staff member would be answerable under sub-para-

graph (i). The Committee also suggests that the procedure for the engagement of staff should include an appropriate clause, both in the application form and in the letter of appointment, prescribing the sanctions to be applied in the event of misrepresentation or omission of material facts. To this could be added a requirement that the candidate should subscribe, before appointment, to an oath or declaration covering the information furnished in support of his application.

8. In view, however, of the wide geographical area of United Nations recruitment, a formal and explicit provision does seem to be necessary. Accordingly, in the text submitted by the Secretary-General, the Advisory Committee recommends, first, the omission of the restrictive word "administrative" and, secondly, certain amendments of form.

(c) Sub-paragraph (iii)

9. The proposed revision confers upon the Secretary-General a wider power than that which flows from either of the amendments under (i) and (ii) above. It is indeed so wide that, even with the legal safeguard of the Administrative Tribunal, the improper exercise of that power might well impair the morale of the Secretariat and in other ways injure the Organization. This fact has caused great difficulty to the Advisory Committee, which takes under consideration that staff regulations, whether subject or not to an express condition of periodic review, are adopted by the General Assembly as "permanent" staff regulations and must be judged in that light.

10. In considering this question the Advisory Committee has had regard to the important functions, rights and duties and consequent powers of the Secretary-General under the Charter. The Committee also takes account of the fact that, apart from the safeguards that already exist or that are foreseen, the Secretary-General himself gives an assurance in paragraph 54 of his report, where he states, with reference to the proposed amendments as a whole, that "... this development would remain subject to review by the Administrative Tribunal to the full extent of its present legal authority, but to this would be added the possibility of a review by the General Assembly of the principles developed in his implementation of the standards specified in the staff regulations"; and again in paragraph 57: "There is a special obligation of the Secretary-General to apply them with restraint, as any decisions which are not based solidly on firm principles and a correct evaluation of facts would impair the necessary confidence in the Administration and would thus vitiate the basic purposes of the proposals".

11. While not entering into the details of administration and the review of individual cases, the General Assembly, in the discharge of its responsibilities towards the staff, will, of course, consider, as occasion arises, the standards and principles applied under the proposed revisions. The Advisory Committee is aware of the fact that the practical value of such a scrutiny cannot be of immediate effect in individual cases. Nevertheless, its usefulness should not be underestimated since it may constitute an effective check in the sense that it imposes vigilance upon a chief administrative officer and restrains him from other than objective consideration of specific cases.

12. The General Assembly itself has erected a safeguard in the Administrative Tribunal. This is recognized by the Secretary-General, who emphasizes that "his decisions would be subject to review by the Administrative Tribunal, which also in these new cases would act with all the competence vested in it under the Statute" (paragraph 35).

13. On this basis, the Advisory Committee is prepared to recommend for approval the text proposed by the Secretary-General, subject to an amendment intended to protect the interests both of the Secretariat and of the United Nations as a whole, and subject also to the further safeguard that, if adopted, the provision will come under Assembly review within a period of not more than two years.

14. There is appended to the proposed three subparagraphs of regulations 9.1 (a) the following text:

"No termination under this paragraph shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General."

15. As indicated in paragraph 67, the staff would be properly represented on this board. The Advisory Committee concurs in this proposed addition and recommends that the membership of the Board should be reported annually to the General Assembly.

STAFF REGULATION 9.1 (a)
(Additional paragraph)

*Text proposed
by the Secretary-General*

The Secretary-General may also terminate the appointment of a staff member who holds a permanent appointment:

(i) If the conduct of the staff member indicates that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) If he learns of facts, anterior to the appointment of the staff member and relevant to his administrative suitability, which, if they had been known when the staff member was appointed, should, under the standards established in the Charter, have precluded his appointment; or

(iii) If such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter.

No termination under this paragraph shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.

16. Since the Committee considers it desirable that sparing use should be made of the discretionary power recommended under draft staff regulation 9.1 (a) (iii), it suggests that the Secretary-General might consider broadening staff rule 104.12 (a) along the following lines:

"Permanent appointments shall be subject to confirmation after a probationary period, and to subsequent review every five years on grounds of efficiency, competence and integrity. This review of the staff member's qualities shall include among the factors to be considered the same standards which the Secretary-General is entitled to apply in granting a permanent contract."

*Text recommended
by the Advisory Committee
(Same)*

(ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light which, if they had been known at the time of his appointment, should, under the standards established in the Charter, have precluded his appointment; or

(iii) If such would be in the interest of the good administration of the Secretariat or in the general interest of the United Nations, in accordance with the standards of the Charter.

(Same)

(ii) *Draft amendment to staff regulation 1.4*

17. The Secretary-General states that the proposed amendment is not intended to alter the meaning of the existing regulation but merely to make it more explicit. The Committee wonders whether the addition is absolutely necessary. The conduct that befits the status of an international civil servant is defined, as regards independence and impartiality, in staff regulation 1.3 and, as regards integrity, in the Charter itself. However, the insertion may provide a useful clarification and on that ground the Committee concurs in the Secretary-General's proposal.

STAFF REGULATION 1.4

*Text proposed by the Secretary-General
and recommended by the Advisory Committee*

Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

(iii) *Draft amendment to staff regulation 1.7*

18. The Advisory Committee concurs in the substitution of a new provision for the existing staff regulation 1.7. The first phrase, however, of the paragraph proposed by the Secretary-General appears to be unnecessary. A political activity that falls outside the scope of a staff member's official duties cannot be regarded as an activity compatible with the discharge of those duties. It is therefore precluded under regulation 1.4. The Committee considers that the revised text which it recommends is adequate for any possible contingency.

STAFF REGULATION 1.7

*Text proposed
by the Secretary-General*

Unless otherwise authorized in accordance with staff rules issued by the Secretary-General, staff members shall not engage in any political activities outside the scope of their official duties, other than voting.

*Text recommended
by the Advisory Committee*

Staff members shall not engage in any political activities outside the scope of their official duties, other than voting.

(iv) *Draft amendment to staff regulation 9.3*

19. The Secretary-General proposes, in paragraphs 79 and 80 of his report, that he should be granted the discretionary power to pay, when he considers it justified, to a staff member terminated under staff regulation 9.1 (a) an indemnity twice that which would otherwise be payable under the regulations.

20. The inclusion in the Secretary-General's text of the words "when he considers it justified" would, as explicitly indicated in paragraph 80, limit any such supplementary payment to terminations of appointments on grounds of the abolition of posts, incapacity for health reasons, and the ground proposed in draft regulation 9.1 (a) (iii).

21. The Advisory Committee, however, sees no reason, even with the addition of the qualifying clause, to

include within the scope of this special indemnity staff members whose appointment is terminated on any of the existing grounds. Indeed, it seems to the Committee that, on the contrary, the Secretary-General himself offers in paragraph 46 a cogent argument for limiting such a provision to cases covered by staff regulation 9.1 (a) (iii). These are exceptional, border-line cases where the specific circumstances to be judged by the Secretary-General may warrant an increased indemnity.

22. The Advisory Committee further considers that the increase in indemnity payable at the discretion of the Secretary-General in certain cases falling within this category might be limited to a figure 50 per cent higher than that which would otherwise be payable under the regulations.

STAFF REGULATION 9.3

Text proposed by the Secretary-General

The Secretary-General may, when he considers it justified, pay to a staff member terminated under staff regulation 9.1 (a) an indemnity payment twice that which would otherwise be payable under the staff regulations.

Text recommended by the Advisory Committee

The Secretary-General may, where the circumstances warrant and he considers it justified, pay to a staff member terminated under staff regulation 9.1 (a) (iii) an indemnity payment not more than 50 per cent higher than that which would otherwise be payable under the staff regulations.

PROPOSED REVISION OF ARTICLE 9 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL

23. The problem to which the Secretary-General's proposals in paragraphs 81 to 87 calls attention is one of some difficulty. The Advisory Committee is conscious that the solution offered in paragraph 87, and particularly as regards the first paragraph of article 9 of the Statute of the Tribunal, offers advantages from a practical point of view. The Secretary-General suggests that "experience has indicated that, particularly in cases involving termination of appointment, where the Tribunal finds the application is well founded, the payment of compensation should be the rule rather than the exception" (paragraph 83).

24. In the existing provisions the power of the Tribunal to order the rescinding of a contested decision or the specific performance of an obligation is given primary emphasis, while the right of the applicant to claim compensation in lieu thereof is subordinated in the text.

25. The Advisory Committee considers it preferable, recognizing the value and importance of a decision of the Tribunal, that the first sentence of the existing paragraph should be retained. At the same time, the Committee believes that it is possible, while having regard to the above consideration, to meet the points raised by the Secretary-General, and to this end it submits an alternative text for paragraph 1.

26. The Secretary-General also suggests that it is desirable, from the point of view of financial administration, to limit the compensation that may be awarded. The Advisory Committee agrees with this suggestion but considers that the amount of one year's net base salary or \$10,000 (whichever is the smaller amount) would represent a reasonable maximum. By net base salary is understood the approximate net equivalent, after application of staff assessment, of the salary as specified in paragraph 4 of annex I to the staff regulations.

STATUTE OF THE ADMINISTRATIVE TRIBUNAL, ARTICLE 9

Text proposed by the Secretary-General

1. If the Tribunal finds that the application is well founded, it shall order the payment of compensation for the injury sustained; provided that in no case of termination or dismissal shall such compensation exceed the equivalent of two years' net base salary of the applicant; and provided further that the Secretary-General may, within a period of sixty days, offer to rescind the decision contested or to grant specific performance of the obligation invoked, which offer may be accepted by the applicant in lieu of the compensation ordered by the Tribunal.

Text recommended by the Advisory Committee

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time, the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained, should the Secretary-General, within thirty days of the notification of the judgment, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his case; provided that such compensation shall not exceed \$10,000 or the equivalent of one year's net base salary of the applicant, whichever is the smaller amount.

2. Should the Tribunal find the procedure prescribed in the staff regulations or staff rules has not been observed, it may, at the request of the Secretary-General and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure. Where a case is remanded the Tribunal may order the payment of compensation, not to exceed the equivalent of three months' net base salary, to the applicant for such loss as may have been caused by the procedural delay.

2. (Same)

3. In all applicable cases, compensation shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12.

3. (Same)

DOCUMENT A/2581

Twenty-fifth report of the Advisory Committee on Administrative and Budgetary Questions: observations on part II of the report of the Secretary-General (A/2533)

[Original text: English]
[1 December 1953]

1. In its twenty-first report to the eighth session of the General Assembly (A/2555, paragraph 4), the Advisory Committee on Administrative and Budgetary Questions indicated that it would consider at a later date certain questions raised in part II of the Secretary-General's report on personnel policy (A/2533). The comments now submitted have reference to paragraphs 109 to 118 of the latter report.

2. The Secretary-General refers in those paragraphs to certain administrative and financial issues to which the coming into force of the United States Immigration and Nationality Act of 1952 gives rise. Although the provisions of the Act, in so far as they relate to staff of the United Nations, and the procedures laid down for its application, are clearly set forth in paragraphs 109 to 111 of the Secretary-General's report, the Advisory Committee finds difficulty at the present stage, and particularly from a financial point of view, in offering definitive comment on the issues involved. The proposals presented in paragraph 118 are based, if only for the purpose of a rough estimation of cost, on two assumptions: first, that all the 461 staff members who, on 1 October 1953, were in permanent residence status in the United States and were therefore affected by the afore-mentioned Act will elect to retain that status; and, secondly, that the General Assembly will authorize in respect of 1953 and any subsequent year the reimbursement of national income taxes to United States nationals employed by the United Nations. Consequently, the financial implications of the proposals can be estimated only in a tentative and approximate manner. Developments subsequent to 1 October 1953 have in fact altered the basis of the former assumption, while as regards the question of tax reimbursement, the General Assembly has still to reach a decision even in respect of the year 1953.

3. The number of staff members in permanent residence status had been reduced by 17 November 1953 to 453, certain staff members having notified the Secretary-General of their decision to change to a non-immigrant (G-4 visa) status. Furthermore, at the same date, 121 of the 453 staff members remaining in permanent residence status had been authorized by the Secretary-General to sign the waiver of privileges and immunities. Included in the number of 121 were 49 staff members entitled to benefits associated with international recruitment.

4. There are therefore a number of unknown factors: first, how many of the remaining 332 staff members in permanent residence status will either opt to retain that status by signing the waiver or will prefer to change to the G-4 visa status; secondly, what proportion of those electing to remain in permanent residence status will be staff members hitherto entitled to the benefits associated with international recruitment. The Secretary-General's report (A/2533, paragraph 115) shows that the proportion so entitled among the original 461 staff members was 50 per cent, as compared with a figure of 40.6 per cent among the 121 staff members referred to in paragraph 3 above.

5. The following considerations seem relevant to the present question:

(a) A decision to remain on permanent residence status in no way represents an interest of the United Nations. On the contrary, to the extent (if any) that it may weaken

existing ties with the country of nationality, it is an undesirable decision. In any case, the interest involved is personal to the staff member who, in pursuit of that interest, seeks authority to waive privileges and immunities that have been granted to the United Nations and not to any individual. This consideration has largely governed the recommendations submitted below;

(b) The Act provides full opportunity for the adjustment of immigrant status to G-4 visa status, and no technical difficulty of any kind arises in this respect.

6. It might well be argued that, on these two grounds, there can be no justification for imposing on Member States the additional financial burden, however slight, that may arise in the cases under review. While there would be much force in such an argument, the Advisory Committee also takes account of the fact that nothing in the administrative rules of the Organization has hitherto precluded the recruitment of persons in immigrant status or the transference (if approved by the Secretary-General) of staff members from G-4 visa status to that of permanent residence. It would therefore be inequitable if, by reason of legislative action on the part of the host country, such staff members were to find themselves in a position of inferiority to staff of United States nationality recruited locally. Such a situation would be inconsistent with the equality among staff members which the General Assembly desired at its first session (resolution 13 (I), part V).

7. For these reasons, the Advisory Committee considers that the measures outlined in paragraph 8 below would constitute a reasonable arrangement. Its recommendations are, however, made subject to the following two observations:

(a) The reimbursement of national income taxes is authorized by the General Assembly on an annual basis. No assurance can therefore be given to any staff member or category of staff members that such reimbursement will be approved in respect of subsequent years;

(b) In view of the fact that many Member States of the United Nations have so far failed to accede, or to accede without reservation, to the Convention on the Privileges and Immunities of the United Nations, cases similar to the one now under consideration may arise in other countries. Accordingly a general, and not a specific, directive of the General Assembly to govern any such contingency seems desirable.

8. On this basis, the Advisory Committee recommends that a staff member opting for permanent residence status in the country of his duty station and thereby rendering himself liable to national income taxation on salary and other emoluments received from the United Nations should:

(a) Subject to the consideration set forth in paragraph 7 (a) above, receive reimbursement of national income taxes paid on such salary and emoluments;

(b) Lose any eligibility for home leave;

(c) Lose any entitlement to payment of non-resident's allowance from the date on which the staff rules are changed or from the end of the month in which he signs the waiver, whichever is later;

(d) Lose any entitlement to education grant after the completion of the 1953-1954 academic year. He would,

however, retain eligibility for one-way travel for the dependent child between the home country and duty station on the completion of the 1953-1954 academic year;

(e) Lose any entitlement to repatriation grant;

(f) Lose any eligibility for return transportation for himself or his dependants, and for removal of household effects, which is based on "place of home leave".

9. It will be noted that the Advisory Committee concurs in the transitional measure proposed by the Secretary-General as regards the staff member's entitlement to the education grant. Where home leave is concerned, however, the Committee feels that a transitional measure such as that proposed by the Secretary-General would, for the reasons stated in paragraph 5 (a) above, not be warranted.

10. The Advisory Committee also recommends that persons in permanent residence status should in future be ineligible for appointment as internationally recruited staff members unless they are prepared to change to a G-4 visa status (or equivalent status in host countries other than the United States of America); and further

that, except for the cases of the above-mentioned 453 staff members, any internationally recruited member of the Secretariat who in future seeks and receives authority to change from a G-4 (or equivalent) visa status to a permanent residence status should not thereby acquire any entitlement to the reimbursement of national income taxes; save that, in exceptional cases to be defined by the Secretary-General in the staff rules, such a member of the Secretariat may change his status without thereby forfeiting the possibility of acquiring entitlement to such reimbursement.

11. The Secretary-General refers in his report (A/2533, paragraph 117) to the possibility that staff members opting for permanent residence in another country may intend not to maintain ties with the country of nationality, in which case a question may arise as to the application of the principle of geographical distribution. This is a complex and difficult problem, for the solution of which the Secretary-General does not at this stage submit proposals. The Advisory Committee would wish, when such proposals are made, to give further consideration to the matter.

DOCUMENT A/C.5/561

Note by the Secretary-General transmitting communications received from staff representatives

[Original text: English and French]
[16 November 1953]

The Secretary-General has the honour to transmit to the members of the Fifth Committee the text of the following communications which he has received:

1. Letter dated 14 November 1953 from the Chairman of the Staff Committee of the United Nations Secretariat at Headquarters enclosing a statement by the Staff Council dated 13 November 1953 regarding the report of the Secretary-General on personnel policy.

2. Letter dated 10 November 1953 from the Chairman of the Staff Committee of the European Office of the United Nations enclosing a resolution adopted by the Staff Committee on 9 November 1953.⁹

LETTER DATED 14 NOVEMBER 1953 FROM THE CHAIRMAN OF THE STAFF COMMITTEE TO THE SECRETARY-GENERAL

You have kindly offered to make available to delegations a statement of the views of the Staff Council with regard to your report on personnel policy.

In accordance with a decision taken by the Council at its meeting of 13 November, I have the honour to transmit to you the attached statement, which represents the considered opinion of the Council on this subject.

I wish to thank you for the opportunity that you are thus giving the Council to place its views before the General Assembly.

(Signed) R. Daniel HOGG
Chairman, Staff Committee

STATEMENT BY THE STAFF COUNCIL ON THE REPORT OF THE SECRETARY-GENERAL ON PERSONNEL POLICY (A/2533)

Introduction

1. The Secretary-General having invited the Staff Council to state its views regarding his report to the General Assembly on personnel policy (A/2533), and having offered to transmit these views to the General Assembly, the Council has the honour to submit the following statement, which is divided into two sections—Section A (paragraphs 3 to 33) dealing with part I of the report, and Section B (paragraphs 34 to 48) dealing with part II, chapter II.

2. Although the Council has found it necessary to request the transmission to the Fifth Committee of this statement, which expresses serious misgivings, particularly with regard to the proposed staff regulation 9.1 (a) (iii) and the restrictive interpretation of the competence of the Administrative Tribunal, this must not be taken as indicating a sense of fundamental difference of purpose between Secretary-General and Council. If the Council is submitting its views on these matters now to the General Assembly, instead of having presented them earlier to the Secretary-General, this is because the Secretary-General did not find it possible to consult the Council upon them before issuing his report.

SECTION A

Part I of the report of the Secretary-General

3. Some of the concerns expressed and proposals made in this part of the report are of course shared and welcomed by the Council. Among these are the emphasis placed upon the need for integrity, as well as efficiency and competence, throughout the Secretariat, and upon the particularly high standards of conduct required of servants of the United Nations. The idea of prohibiting political activities, except voting and such other political activities as may be authorized under staff rules to be elaborated in clearly defined terms, seems a sound one. It goes without saying that a staff member should not engage in subversive activities during his employment with the Organization. Finally, the Secre-

⁹ The text of the resolution reproduces with drafting modifications the text of a resolution adopted by the Standing Joint Committee of Staff Associations at Geneva on 6 November 1953. The Standing Joint Committee consists of representatives from the Staff Committees of the European Office of the United Nations, of the World Meteorological Organization and of the Headquarters of the World Health Organization, and from the Staff Union Committee of the International Labour Office.

tary-General's proposals regarding the voluntary hearing procedure (paragraphs 50 to 52) and legal aid to applicants before the Administrative Tribunal (paragraph 53) are also appreciated by the staff, without prejudice, of course, to the Council's position, as here stated, with regard to the proposed amendments to the staff regulations.

I. *The building of the career international civil service*

4. The Staff Council notes the Secretary-General's view that the building up of the permanent staff of the Secretariat "may be said to have taken place on a trial and error basis" (paragraph 16).

5. The Staff Council presumes that what is meant here is that, in spite of all precautions and probations, some errors may have been made in the granting of permanent appointments. It can hardly be suggested that the transition has been careless or hasty. The General Assembly repeatedly urged the former Secretary-General to proceed more actively with the granting of permanent appointments. The process of selecting permanent staff has been prolonged and meticulous, as the former Secretary-General has informed the General Assembly on several occasions. Ever since 1946, he has reported, he exercised the utmost care in granting permanent appointments. Over the last two years temporary staff members (below the level of Director) have been most rigorously reviewed in a series of sessions of three Selection Committees, in the light of their "efficiency, competence and integrity" and their "general suitability as international civil servants".

6. In spite of this careful process of selection, however, the Staff Council is prepared to agree that errors may have been made. The question then arises whether these errors cannot be corrected, where they are still of consequence, through the discharge of permanent staff members found to be unsatisfactory, under the existing staff regulations. The Secretary-General tends to the view that they cannot, believing that the staff regulations which state the grounds for termination of permanent appointments are too "restrictively formulated" (paragraph 17). Accordingly, he proposes to add to these grounds in such a way as to increase his discretionary powers, thereby inevitably reducing the security of tenure of the staff.

II. *Security of tenure and discretionary powers*

7. Before entering upon the substance of this problem, the Council wishes to state clearly that the doubts which it entertains regarding the wisdom of increasing the discretionary powers of the Secretary-General must not be taken as reflecting the slightest distrust of the intentions or the judgment of the present occupant of that Office. These doubts arise because the secretary-generalship is a permanent institution and because what is proposed is not the granting of temporary powers, which itself would be open to objection, but the amendment of the basic staff regulations upon which the career international civil service rests.

8. The Staff Council attaches importance to the security of tenure of the international civil servant not only in the interest of the staff, but in that of the whole Organization. It has long been recognized as essential, in order to induce highly qualified persons to join the Secretariat and in the interests of its efficient, consistent, just and impartial administration, that the relations between the Secretary-General and the staff should be on a firm and definite footing, that the staff regulations and rules should clearly stipulate the conditions of employment and termination, and that the Administrative Tribunal should have the power to review the application of these staff regulations and staff rules. This system strengthens the Secretary-General against improper pressure and enables the permanent staff to devote itself whole-heartedly to its work, without fear or favour from any quarter.

9. Such being the considerations which have led to the establishment of a career international civil service and the formulation of the present staff regulations and staff rules, the question arises whether these regulations and rules do in fact go too far in the matter of security of tenure by formulating too restrictively the grounds for termination of permanent appointments. What provision do they make for

such terminations? They provide for the five-yearly review of all permanent staff on the basis of "efficiency, competence and integrity" (staff rule 104.12). They provide also that a permanent staff member may be terminated "if the necessities of the service require abolition of the post or reduction of the staff, if the services of the individual concerned prove unsatisfactory, or if he is, for reasons of health, incapacitated for further service" (staff regulation 9.1 (a)), and that he may be dismissed for unsatisfactory conduct or summarily dismissed for serious misconduct (staff regulation 10.2).

10. These provisions do not appear to be particularly restrictive. They are not more restrictive than those of many national civil services or of the International Labour Office, for example, which has been in smooth and efficient action for over thirty years with an international staff comprising persons of many social and cultural backgrounds and the most varied political persuasions. A permanent staff member of the United Nations whose present conduct shows him to be lacking in efficiency, competence, or integrity, or to have failed to act in a manner befitting his status, which calls for impartiality and good judgment and other qualities mentioned in staff regulation 1.4, can be discharged under one or other of these regulations. If some permanent staff members whose services or conduct have shown them to be lacking in these qualities have not in fact been discharged, this is perhaps due not to a deficiency in the staff regulations but to failure to apply them correctly.

11. However, the Secretary-General believes the present regulations to be too restrictive, and proposes three new grounds to be added to those already enumerated in staff regulation 9.1 (a). These new provisions, taken together with the Secretary-General's views as to the limited competence of the Administrative Tribunal to review terminations effected under them, appear to the Staff Council to raise certain difficulties of interpretation and to introduce excessive discretionary powers, thereby undermining the security of tenure and the independence of the Secretariat.

III. *Draft amendments to staff regulation 9.1 (a)*

12. The proposed additional sub-paragraphs to this staff regulation provide that the Secretary-General may terminate the appointment of a permanent staff member

(i) If the conduct of the staff member indicates that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) If he learns of facts, anterior to the appointment of the staff member and relevant to his administrative suitability, which, if they had been known when the staff member was appointed, should, under the standards established in the Charter, have precluded his appointment; or

(iii) If such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter.

13. Sub-paragraph (i), according to the Secretary-General's report (paragraph 60) would permit the Secretary-General "to take action on the basis of facts concerning a staff member's conduct even before his employment by the United Nations". But the report goes on to say that the decision whether the staff member should be terminated is always one "regarding the staff member's present integrity".

14. The Staff Council believes that it would be unjust and wrong to decide, solely on the basis of a staff member's conduct before employment (unless of very recent date) that the staff member shows a "present" lack of integrity. Such an inference would constitute a denial of the possibility of reform. Only if the staff member shows a lack of integrity either during his employment with the Organization or shortly before it (for instance, by important wilful misrepresentations or omissions on the personnel history form accompanying his application for appointment) should his former conduct be taken into account. So long as his present conduct shows that he lives up to United Nations standards, conduct substantially prior to his appointment should not be held against him. Subject to this understanding, and to proper definition of the term "integrity" as mentioned in paragraph 16 below, the proposed sub-paragraph (i) would appear acceptable; though it is of doubtful value, since the

conduct which determines the decision to terminate will nearly always be present conduct, and hence fall within the meaning of "unsatisfactory service" (staff regulation 9.1 (a)) or "unsatisfactory conduct" or "serious misconduct" (staff regulation 10.2).

15. The Secretary-General says that an example of lack of integrity "might be" the conduct of a staff member who "in a situation relevant to his obligations in that capacity, seeks to safeguard his personal interest despite his knowledge that by so doing he causes real and substantial harm to the Organization" (paragraph 31). It is not very clear what is meant here, and the Council doubts whether integrity, in its accepted meaning, is likely to be involved in such conduct.

16. While fully in agreement with the Secretary-General, therefore, that a staff member whose conduct indicates a present lack of the integrity required by the Charter should be separated from the service, the Staff Council considers that the existing staff regulations may well be found to provide for nearly all such cases. If, however, a special provision is required in order to deal with conduct immediately prior to appointment, and if the term "integrity" can be satisfactorily defined for the purposes of the regulation (it surely does not include all "morally objectionable attitudes or actions" as suggested in paragraph 43), then the Staff Council would find the proposed amendment acceptable—provided, of course, that the competence of the Administrative Tribunal to review terminations under it were fully preserved.

17. Sub-paragraph (ii) appears to be based upon a principle which is questionable, and which is inconsistent with that enunciated in paragraph 60 of the report, where the Secretary-General rightly asserts that "a staff member's later conduct and attitude may show that, whatever his past conduct, he now meets the highest standards of integrity... The judgment to be made is always one regarding the staff member's present integrity... and... past conduct can be only evidentiary". This means, when applied to (ii), that, even if the facts anterior to the appointment of the staff member, had they been known, should have precluded his appointment according to the standards of the Charter and the staff regulations, the staff member may now be meeting the highest standards, so that the decision, which must always be made with regard to his present "administrative suitability" should be in favour of retaining him. In other words, the mere fact that a staff member's conduct would rightly have precluded his appointment cannot, according to the Secretary-General's own correct principles, itself constitute a ground for his termination.

18. If in spite of the above objection it were desired to adopt the proposed sub-paragraph, the term "administrative suitability" should be replaced by the terms of the staff regulations relating to termination, for this vague expression has no such status.

19. Sub-paragraph (iii) raises the most serious objections, since such an all-embracing formulation of the grounds upon which the Secretary-General may terminate a staff member would put an end to the relative security of tenure hitherto provided to the career international civil servant through the present indeterminate appointment. Almost any administrative consideration could be cogently represented as involving the "interests of the good administration of the Organization", and it would be very difficult for the Administrative Tribunal effectively to review the Secretary-General's decisions.

20. The Secretary-General explains (paragraph 43) that he might wish to make use of this sub-paragraph in the interest of a staff member whose termination in a controversial case would stigmatize him. But it is difficult to see how "good administration" can be reconciled with the granting of discretionary powers to terminate a staff member on grounds which are controversial. When "lack of balance or judgment" (paragraph 43) is so serious as to justify termination, "good administration" would surely require the administrative courage to terminate on grounds of unsatisfactory services or misconduct. This problem of possible stigma which, according to the Secretary-General's own belief, would arise only "in exceptional cases" (paragraph 46), could surely be overcome at less cost to the general principles of due process and the rule of law. A staff member whom the Secretary-General felt obliged to terminate, in accordance

with the existing staff regulations, for some moral fault or some act showing a lack of balance or judgment, could be offered a chance to resign subject to special arrangements.

21-22. The proposed sub-paragraph (iii) is so all-embracing that it renders all the other provisions of staff regulation 9.1 (a) superfluous. The Staff Council notes with relief that the Secretary-General does not include it in his "minimal programme" (paragraph 41).

IV. *The special advisory board*

23. Should the proposed advisory board (paragraph 58) be established, the Staff Council considers that the participation of the staff should be mentioned in the staff regulation, as it is in staff regulation 10.1; moreover, the staff representatives should constitute half the membership of the board, and its powers and procedures should be clearly defined.

V. *The competence of the Administrative Tribunal*

24. While proposing wider grounds for the termination of staff members, the Secretary-General seems to place a restrictive interpretation upon the competence of the Administrative Tribunal to review terminations. He concedes to the Tribunal authority to assess "certain facts", but asserts that the Tribunal "may be expected to accept his interpretations and evaluations... to the extent that they obviously involve considerations of administrative policy which are not open to a review of a strictly legal nature" (paragraph 35).

25. It is not clear why the Administrative Tribunal should have authority to assess only "certain facts" nor where the line is to be drawn between considerations which are and which are not open to its review. The Staff Council believes that the authority of the Tribunal to go into the existence, materiality and relevance of the facts of any case of termination of a permanent appointment, and into the legality, interpretation and application of the standards involved, should be upheld. Staff regulation 9.1 (c), applicable to temporary staff, has been interpreted as enabling the Secretary-General to withhold the reasons for his opinion that a particular termination is in the interest of the Organization, since it provides that he may terminate "if, in his opinion, such action would be in the interest of the United Nations". But staff regulation 9.1 (a), applicable to permanent appointments, has never been so interpreted, for it does not contain the phrase "in his opinion". Under this regulation, the Secretary-General must show that the staff member's termination is in accordance with the prescribed conditions for termination.

26. The Secretary-General appears to deprecate the fact that the Administrative Tribunal may sometimes arrive at a conclusion contrary to his own, regarding actions which the staff regulations "seem to permit in the light of the Charter" (paragraph 32). The possibility of such disagreement, however, is surely a normal and healthy implication of the independence of the judiciary and of the democratic system of checks and balances.

27. The Staff Council would emphasize that the proposed "review by the General Assembly of the principles of interpretation", since it would be concerned only with principles, would not in any way replace the judicial review exercised by the Administrative Tribunal, which alone can offer redress for wrongful termination.

28. The Secretary-General would assume the very difficult task of interpreting and applying to specific cases the proposed newly formulated grounds for termination, and holds that "these judgments would lead, step by step, to the development of a body of principles" (paragraph 35). The judicial function of evolving legal principles, however, is one of the functions of the Administrative Tribunal, and should be so, since administrative and judicial functions cannot be vested in the same body.

VI. *Revision of article 9 of the Statute of the Administrative Tribunal*

29. The Statute of the Administrative Tribunal was adopted on 24 November 1949, after careful consideration on the basis of preparatory studies which had been in progress since

early in 1946. It would seem that amendments to such a Statute should be adopted only after thorough study, with which the representatives of the staff should be closely associated, and that the experience gained with the Administrative Tribunal of the International Labour Office should be taken into consideration.

30. While fully recognizing that the Statute of the Administrative Tribunal may have to be reviewed from time to time, the Council would point out that the high standing of the Tribunal and its proper functioning will be seriously affected if, because of one judgment or group of judgments, its Statute is hastily amended. With regard to the specific changes proposed, the Council would make the following comments:

(a) *Compensation instead of rescinding of the decision.* The Council is of the opinion that the usual remedy in a case in which the Administrative Tribunal finds in favour of the applicant should be the rescinding of the decision contested or the specific performance of the obligation invoked. If, for example, the Tribunal should find, on an appeal from an administrative decision, that a staff member is entitled to home leave, he would naturally be allowed thereafter to take home leave and would not receive compensation in lieu thereof. Similarly, if the Tribunal should find fault with a termination on the ground of unsatisfactory service, the staff member should normally be reinstated, if necessary in another post. Such action was taken with regard to cases 1 to 15 (Tribunal judgment No. 2), and would seem to be normal. Although the special climate surrounding some recent cases may have made reinstatement inadvisable, this does not in itself appear to call for any change in the Statute, which is already quite flexible in this regard.

(b) *Amount of compensation.* The Council is aware that the determination of the amount of compensation may be extremely difficult. However, it would seem better to leave the Administrative Tribunal gradually to develop standards for assessing the injury sustained, than to establish arbitrarily a limit which might, in a case of wrongful dismissal causing special hardship, preclude fair and reasonable compensation. The unsatisfactory result of this amendment is acknowledged in paragraph 84 of the Secretary-General's report where it is stated that the Tribunal is "free to recommend the payment of a higher indemnity" in special cases. Compensation equal to two years' net base salary might prove inadequate in certain cases. A period of about nine months or more elapses frequently between the effective date of termination and the final judgment of the Administrative Tribunal. The circumstances surrounding the Secretary-General's decision may make re-employment difficult, and the person concerned may have acquired specialized knowledge and experience which he cannot easily apply elsewhere.

(c) The Council appreciates the reasons for the suggested amendment to Article 9, paragraph 2, to provide for the correction of procedural errors. It would not, however, favour the limitation of the amount of compensation, as proposed in this paragraph. A maximum of three months' salary would certainly seem too low. In a recent case more than a year elapsed between the filing of the appeal with the Joint Appeals Board and the delivery of the Administrative Tribunal's judgment referring the case back to the Joint Appeals Board.

31. If the General Assembly should reach the conclusion that the amendment of the Statute of the Administrative Tribunal cannot be deferred until the matter has been more thoroughly studied, the Staff Council would respectfully recommend that at least the words "not to exceed the equivalent of three months' net base salary" be deleted from the text proposed for Article 9, paragraph 2.

VII. Conclusion

32. Although the Council greatly appreciates the Secretary-General's personal approach to the staff and its problems, it believes that in the particular sphere under consideration in part I of his report the only sound approach, the only approach by which the Organization can steer clear of arbitrariness, confusion and political entanglements, is to be found in principles, rules and regulations as comprehensive and as precise as possible.

33. In view of the considerations outlined in this Statement, the Staff Council would urge that the proposed amendments to the Statute of the Administrative Tribunal and the proposed interpretation of its competence, and also the amendments suggested to staff regulation 9.1 (a), and particularly the suggested new sub-paragraph 9.1 (a) (iii), should be examined with the utmost caution. The Council would express the hope that, since the matter is so complex and so important, final action upon it will be deferred until further study and consultation have taken place.

SECTION B

Part II, chapter II of the report of the Secretary-General

I. G1, G2, manual and skilled trades personnel

34. The Secretary-General, in this part of his report, proposes an appointments policy which divides the Secretariat into two groups of workers, one which he calls the core of the international civil service (paragraph 99), the other being the G1, G2 and manual and skilled trades personnel.

35. Staff regulation 1.1 clearly states that "Members of the Secretariat are international civil servants. Their responsibilities are not national but exclusively international." Staff members in the G1, G2 and manual and skilled trades personnel categories (locally recruited) are international civil servants, inasmuch as they are bound by the same oath of office as other Secretariat members and have the same obligations. Each group of workers is governed by the same principles of integrity, competence, efficiency and loyalty, and is subject to the same rigid requirements with regard to qualifications. The kind of work that a staff member performs and the salary level that he occupies do not and should not determine his standing among his fellow workers. All are working together for the same ideals of the United Nations and the work of each is equally necessary for the proper functioning of the Organization. It therefore appears unfortunate to discriminate against one group of workers on the question of contracts and appointments, denying to them security of tenure even after long service.

36. In paragraph 94 of the report, the Secretary-General states that "the basic aim of the appointments policy... is to create the most favourable conditions for the development of a permanent body of international civil servants". It would be hard to visualize how this permanent body could be formed if a large segment of the staff, which is essential to the Organization, is deprived by the nature of the contract of the security afforded to the rest of their colleagues. This differentiation is not made at the European Office of the United Nations or in the International Labour Office. More than half of the staff members in these categories employed in the European Office hold permanent contracts. The Federal Civil Service and the local and state governments of the United States, as well as the civil services of other countries, offer the same security of tenure to all their staff members for whom continuous service is envisaged, specifying the grounds for termination of employment and providing for departmental hearings for review.

37. The low turnover rate, particularly in some groups of these staff members, would seem to indicate their desire for continuous service in the international organization. For instance, about 58 per cent of the manual workers now in employment at Headquarters have been with the United Nations since 1946.

38. Most of the manual workers employed here have not kept up their trade union membership. This fact may create difficulties for those who may be terminated.

39. Clerical workers recruited at G2 who reach the age of twenty-five and serve two years' satisfactory probation should, it would seem, be encouraged to feel that they belong to the United Nations permanent staff in the full sense. Many altogether satisfactory staff members in this category have had to wait four or five years, and even more, for promotion to G2; and many have waited as long without receiving promotion.

40. The additional cost of granting permanent appointments, after probation, to the 750-odd staff members in the manual

worker, G1 and G2 groups at Headquarters (some of whom already have such appointments) would be much more than offset by the gain in morale and efficiency.

41. Most of these staff members wish to make their career in the United Nations because they believe in it. Many more, if further enlightened measures of training, talks, round-table discussion and so forth were undertaken, would develop the same sense of belonging to the Organization. The Secretary-General, in his statement to the staff on 1 May last, spoke of the need in the Secretariat for a "feeling of unity, of participation in a common venture." This is the kind of informed, integrated Secretariat that is needed. But its development will be much retarded if the basic requirements of stability and individual recognition are withheld or withdrawn, in any area or at any level, to the extent envisaged in the report of the Secretary-General.

II. Field service and mission staff

42. Paragraph 100 (d) of the report of the Secretary-General states that individuals specifically recruited for field or mission service will receive not a permanent but an "indefinite" appointment, and will not normally be retained for more than five years. This type of appointment carries, of course, no security of tenure.

43. The Staff Council recognizes that uncertainty as to the future scope of field activities, and the financial advantage of recruiting single men and terminating them when they marry and acquire families which increase the cost of employing and transporting them, create a special problem here.

44. The Council notes that nearly three-quarters of the staff members in the Field Service have been with the Secretariat for over three years. This is a clear indication that the experience acquired by these staff members is valuable to the United Nations. It would therefore affect the efficiency of the service to dispose regularly of its most qualified personnel. The Council would therefore recommend that in future staff members serving mostly in remote places should either be employed for one or at the most two years, and then return to their home countries—a practice normally followed with Technical Assistance Administration (TAA) experts—or should be able to devote themselves indefinitely to the service of the United Nations on the basis of a permanent appointment.

III. Promotion during probation

45. Paragraph 100 (a) stipulates that "staff members, while serving on probationary appointments, will not as a rule be eligible for promotion."

46. The Staff Council does not see any justification for this departure from the policy followed hitherto, under which staff members while still on probation have taken examinations for admission to a higher level, and on passing received promotion.

IV. The Appointment and Promotion Board

47. The Staff Council considers that the Appointment and Promotion Board mentioned in paragraph 101 of the report should, like the Personnel Selection and Review Board, comprise one member appointed from among staff members nominated by the Staff Council.

V. The probationary appointment

48. Paragraph 100 (a) state that "the probationary appointment will be given to individuals under fifty years of age at the time of recruitment..." Since permanent appointments may be granted to persons aged up to 55 years (staff rule 104.12 (c)), and since retirement age is 60 (and may be raised higher in accordance with modern trends), it is not clear why probationary appointments may be given only to persons up to 49 years of age.

LETTER DATED 10 NOVEMBER 1953 FROM THE CHAIRMAN OF THE STAFF COMMITTEE OF THE EUROPEAN OFFICE OF THE UNITED NATIONS TO THE SECRETARY-GENERAL

I have the honour to transmit to you the enclosed resolution, adopted by the Staff Committee of the European Office of the United Nations at its meeting held on 9 November 1953.

I think the resolution is self-explanatory, and it is perhaps only necessary to add that, in adopting it, our aim has been the one which we are quite certain is and always will be your own—the best interest of the Organization and its Secretariat.

It is a matter of regret to us that we have been under the handicap of not being able to comment upon your proposals at an earlier stage.

The resolution we have adopted corresponds not only to our own views, but also to those of the Staff Committees of the specialized agencies at Geneva. It is, moreover, a decision which has been taken after careful consideration of the report and of other information which has been made available to us. It is our hope that the position we have taken will receive your full and sympathetic understanding.

In accordance with the terms of the resolution I would respectfully request you to be so good as to transmit it to the Fifth Committee and to the Advisory Committee on Administrative and Budgetary Questions.

(Signed) Pierre ISORE

Chairman of the Staff Committee
of the European Office of the
United Nations

RESOLUTION ADOPTED BY THE STAFF COMMITTEE OF THE EUROPEAN OFFICE OF THE UNITED NATIONS AT ITS MEETING HELD ON 9 NOVEMBER 1953

The Staff Committee of the European Office of the United Nations,

Having met on 9 November 1953 and having considered the Report of the Secretary-General on Personnel Policy (A/2533),

Considering that the report proposes amendments to the staff regulations and to the Statute of the Administrative Tribunal and contains other proposals that are of far-reaching importance for all international civil servants,

Considering that the report has been laid before the General Assembly without there having been full and proper consultation with the staff representatives of the United Nations, whether at Headquarters or elsewhere, and that it is unreasonable to expect that they will be able to submit their observations on all the proposals contained in the report in the time available before it is debated in the Fifth Committee,

Considering that some of the proposals—in particular those relating to "integrity" and "good administration"—are of a nature to cause serious concern insofar as they represent a radical departure from established practices in national and international civil services, and appear to provide little or no protection through review by the Administrative Tribunal, thus transgressing the concept of a career service, and

Considering that the proposals are of direct concern to the administrations and staffs of the specialized agencies, in that it can be expected that the General Assembly will desire the specialized agencies to adopt practices similar to those introduced in the United Nations,

Noting that the Secretary-General has consulted the administrative heads of the specialized agencies but that none of the administrative heads is on record as having endorsed the present proposals, and that, further, the existing provisions concerning security of tenure of permanent officials in the specialized agencies appear to be giving satisfaction to their administrations and staffs, and

Bearing in mind that the administrative heads of the specialized agencies, in their consultations with the Secretary-General, have not been in possession of the views of their staffs on the specific proposals now put forward,

Considering that the proposals require careful and thorough study in the light not only of the Charter but also of national

practices in Member States and of the long experience of such organizations as the League of Nations and the International Labour Organisation.

Noting that in resolution 708 (VII) the General Assembly invited the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions to consult with the administrative heads of specialized agencies before submitting their recommendations and that such consultations by the Advisory Committee have not yet taken place,

Considering that the conduct and integrity of international officials are referred to in the Charter only in the most general terms and the standards of such conduct and integrity are to be examined by the International Civil Service Advisory Board at its next session, and

Convinced that the General Assembly would wish to be in possession of the conclusions of that Board before itself proposing general rules by which the Secretary-General should be guided, and

Believing that it would in any event be undesirable to introduce the suggested changes before the "additional arrangements" referred to by the Secretary-General can be brought into effect, and

Endorsing the opinion of the Secretary-General that such arrangements cannot be inaugurated before the report of the International Civil Service Advisory Board is issued, since "the recommendations of the Board will have an important bearing on this whole problem" (paragraph 49),

Noting that the proposals of the Secretary-General are "based on considerations of a general nature and are in no way adjusted to special circumstances prevailing at a particular time or in relation to a particular country" (paragraph 14),

Earnestly hopes that the General Assembly will resolve to defer any decision requiring amendments to the staff regulations or the Statute of the Administrative Tribunal, in order

(1) To enable prior consideration to be given to the report of the International Civil Service Advisory Board,

(2) To permit further consultation between the Secretary-General and the administrative heads of the specialized agencies and between them and the staff representatives of their organizations,

(3) To permit the executive organs of the specialized agencies to place their views on record,

Requests the Secretary-General to transmit this resolution to the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions,

And further decides to submit this resolution to the Executive Committee of the Federation of International Civil Servants' Associations with the request that it take steps to obtain for it among other member organizations their fullest and most active support.

DOCUMENT A/C.5/573

Note by the Secretary-General transmitting a communication from the Chairman of the Staff Committee dated 2 December 1953

[Original text: English]
[3 December 1953]

The Secretary-General has the honour to transmit to members of the Fifth Committee the text of a communication, dated 2 December 1953, addressed to him by the Chairman of the Staff Committee of the United Nations Secretariat at Headquarters.

STAFF ASSOCIATION

2 December 1953

The Fifth Committee's adoption yesterday, in the first reading, of your original draft of staff regulation 9.1 (a) (iii) compels me to write to you once again, on behalf of the Staff Committee, with a request to you to bring one or two considerations to the notice of the Committee which arise from developments posterior to the submission of the Staff Council's statement of 13 November 1953.

This statement was submitted as a result of a decision of the Staff Council which was adopted unanimously, and your original draft of staff regulation 9.1 (a) (iii) was, of all the proposed amendments to the staff regulations, the provision upon which the Council was most definite in its opposition. Subsequent discussion in the staff has confirmed the Council in its belief that the final adoption of such a provision would, for the reasons given in the Council's statement, cause great consternation among the staff.

The alternative text of the sub-paragraph, which you submitted later to the Fifth Committee, would largely remove the staff's anxiety regarding this provision.

It has been argued that this alternative text, if adopted and applied, would reduce the Secretary-General to the level of the staff member to be terminated by providing for negotiation between them with regard to the staff member's exercise of his right to contest the Secretary-General's action under the sub-paragraph. But this does not seem necessarily to be so. If the staff member were to contest the

Secretary-General's action, then the Secretary-General could simply terminate him under whichever other provision of the staff regulations applied to his case, and the staff member would have to accept the risk of resulting stigma. The procedure is similar to that of requesting resignation, commonly used to get rid of a civil servant guilty of acts which warrant his termination but would undeservedly stigmatize him if disclosed.

While preferring this resignation procedure, as being simpler and even less likely than the alternative text of staff regulation 9.1 (a) (iii) to involve stigma, since resignation is less likely than this proposed text to become associated in the public mind with offences which seriously stigmatize the offender, the Staff Council would not press for it if the Fifth Committee is disinclined to consider it further. The alternative text of staff regulation 9.1 (a) (iii) is infinitely preferable to the original and does not, in the opinion of the Staff Committee, involve any impairment of the authority of the Secretary-General over a staff member whom he wishes to terminate.

Sub-paragraph (iii), the Staff Council understands, is not required for terminations necessitated by reorganization of the Secretariat. Such terminations would seem to be provided for in the existing staff regulation 9.1 (a) under "abolition of post" and "reduction of staff".

Because your original version of this sub-paragraph appears to the Staff Council to preclude that degree of security of tenure which is essential to a permanent international civil service of high quality, the Staff Committee earnestly hopes that the respective merits of this version and your alternative will be carefully re-examined by the Fifth Committee in second reading.

Perhaps you would be so kind as to consider the possibility of transmitting this note to the Fifth Committee.

(Signed) R. Daniel Hogg
Chairman, Staff Committee

DOCUMENT A/C.5/L.255

Amendments and additions to the Staff Regulations and to the Statute of the Administrative Tribunal: note by the Secretariat

[Original text: English]
[30 November 1953]

For the convenience and ready reference of members of the Fifth Committee, in their consideration of certain provisions of the staff regulations and of the Statute of the Administrative Tribunal, the amendments and additions as proposed by the Secretary-General, the Advisory Committee on Administrative and Budgetary Questions and various delegations are presented hereunder.

PROPOSED ADDITION TO STAFF REGULATION 9.3

*Text proposed
by the Secretary-General*

The Secretary-General may, when he considers it justified, pay to a staff member terminated under Staff Regulation 9.1 (a) an indemnity payment twice that which would otherwise be payable under the Staff Regulations.

*Text recommended
by the Advisory Committee*

The Secretary-General may, where the circumstances warrant and he considers it justified, pay to a staff member terminated under Staff Regulation 9.1 (a) (iii) an indemnity payment not more than 50 per cent higher than that which would otherwise be payable under the Staff Regulations.

*Proposal
of the United Kingdom*

That no addition should be made to this regulation.

DRAFT AMENDMENT TO STAFF REGULATION 1.7

*Text proposed
by the Secretary-General*

Unless otherwise authorized in accordance with Staff Rules issued by the Secretary-General, staff members shall not engage in any political activities outside the scope of their official duties, other than voting.*

*Text recommended
by the Advisory Committee*

Staff members shall not engage in any political activities outside the scope of their official duties, other than voting.

*Text proposed
by the United Kingdom*

Staff members shall, apart from voting, not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants.^b

* The Secretary-General in his statement before the Fifth Committee (412th meeting) indicated his intention to implement regulation 1.7 by a staff rule which, in the case of party membership, would read roughly and tentatively as follows: "Membership of a legal political party is permitted provided that such membership, in the case of the staff member concerned, does not entail subjection to party discipline or action in favour of the party, other than the payment of normal financial contributions."

^b The United Kingdom suggest that the staff rule proposed by the Secretary-General should read as follows: "Membership of a political party is permitted provided that such membership does not entail any positive action, current or contingent, other than voting or payment of normal financial contributions, contrary to the provisions of staff regulation 1.7. In any case of doubt the staff member should consult the Secretary-General."

DRAFT AMENDMENT TO ARTICLE 7, PARAGRAPH 3, OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL

Present text

In the event that the recommendations made by the joint body and accepted by the Secretary-General are unfavourable to the applicant, and in so far as this is the case, the application shall be receivable, unless the joint body unanimously considers that it is frivolous.

Amendment proposed by Chile and Argentina

That the words "unless the joint body considers that it is frivolous" be deleted.

DRAFT AMENDMENT TO ARTICLE 9 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL

Text proposed by the Secretary-General

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the notification of the judgment, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his case; provided that in no case of termination or dismissal shall such compensation exceed the equivalent of two years' net base salary of the applicant.*

* Except for the lines in italics these texts are the same, the Secretary-General having accepted the Advisory Committee's wording of the first part of the paragraph.

Text recommended by the Advisory Committee

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time, the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the modification of the judgment, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his case; *provided that such compensation shall not exceed \$10,000 or the equivalent of one year's net base salary of the applicant, whichever is the smaller amount.**

Text proposed by Brazil, Egypt, France, India, Indonesia, Lebanon, Netherlands and Syria.

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the notification of the judgment, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his case; provided that in no case of termination or dismissal shall such compensation exceed the equivalent of two years' net base salary of the applicant; *provided, further, that the Tribunal may, in exceptional cases, when it considers it justified and by a properly motivated decision, order the payment of a higher indemnity.**

* This text is the same as that proposed by the Secretary-General with the addition of the clause in italics.

Provisional suggestion by the United Kingdom delegation

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time, the Tribunal shall assess, in accordance with the degree of injury sustained, the amount of compensation to be paid to the applicant should the Secretary-General, within thirty days of the notification of the judgment, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in the case; provided that, save for exceptional reasons, which shall be stated in the Tribunal's report, such compensation, together with any other payments made or due to the applicant on termination, shall not exceed \$10,000 or the equivalent of one year's net base salary, whichever is the smaller amount.

Text proposed by the Secretary-General and concurred in by the Advisory Committee

2. Should the Tribunal find the procedure prescribed in the Staff Regulations or Staff Rules has not been observed, it may, at the request of the Secretary-General and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure. Where a case is remanded the Tribunal may order the payment of compensation, not to exceed the equivalent of three months' net base salary, to the applicant for such loss as may have been caused by the procedural delay.

3. In all applicable cases, compensation shall be fixed by the Tribunal and paid by the United Nations or, as appropriate by the specialized agency participating under article 12.

DRAFT AMENDMENT TO STAFF REGULATION 1.2

Present text

Staff members are subject to the authority of the Secretary-General and to assignment by him to any of the activities or offices of the United Nations.

Amendment proposed by Chile and Argentina

That the words "activities or" be deleted so that the regulation would read:

"Staff members are subject to the authority of the Secretary-General and to assignment by him to any of the offices of the United Nations."

PROPOSED ADDITION TO STAFF REGULATION 9.1 (a)

Text proposed by the Secretary-General

The Secretary-General may also terminate the appointment of a staff member who holds a permanent appointment:

(i) If the conduct of the staff member indicates that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) If he learns of facts, anterior to the appointment of the staff member and relevant to his administrative suitability, which, if they had been known when the staff member was appointed, should, under the standards established in the Charter, have precluded his appointment; or

(iii) If such action could be in the interest of the good administration of the Organisation and in accordance with the standards of the Charter.

No termination under this paragraph shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.

Text recommended by the Advisory Committee

(Same)

(ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light which, if they had been known at the time of his appointment, should, under the standards established in the Charter, have precluded his appointment; or

(iii) If such action would be in the interest of the good administration of the Secretariat or in the general interest of the United Nations, in accordance with the standards of the Charter.

(Same)

Text proposed by India for sub-paragraphs (i) and (ii)

The Secretary-General may also, by properly motivated decisions, terminate the appointment of a staff member who holds a permanent appointment if he learns of facts:

(i) Relative to the staff member's present conduct if such facts indicate that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) Relative to the staff member's conduct anterior to his appointment and relevant to his administrative suitability which, had they been known when he was appointed or had they not been wilfully suppressed or misrepresented by him in his answers to the questions asked of him at the time of his appointment, should, under the standards established in the Charter, have precluded his appointment.

*Text proposed by Argentina and Chile
for final paragraph*

*Text proposed by the United Kingdom
for sub-paragraph (iii)*

Alternative text suggested by the Secretary-General but not formally proposed

The Secretary-General may also by a properly motivated decision terminate the appointment of a staff member who holds a permanent appointment;

(i) If the conduct of the staff member indicates that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light which, if they had been known at the time of his appointment should, under the standards established in the Charter, have precluded his appointment;*

No termination shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.

The Secretary-General may finally terminate the appointment of a staff member who holds a permanent appointment if such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter, provided that the action is not contested by the staff member concerned.

(iii) If, in the considered judgment of the Secretary-General, after he has personally examined the case, interviewed the staff member concerned, and consulted the Advisory Board, such action would be in the interests of the Organization and in accordance with the standards of the Charter.

No termination under this paragraph shall take place until the matter has been considered and reported on by the special advisory board consisting of seven members, three appointed by the Secretary-General and three elected by the staff. The Chairman of the Board shall be elected by the International Court of Justice.

* Text of this paragraph is the same as that recommended by the Advisory Committee.

DOCUMENT A/C.5/L.257**Argentina : draft resolution**

[Original text : Spanish]
[28 November 1953]

The General Assembly,
Considering the existing provisions relating to indemnities,
Considering that it is necessary to make provision in advance for the financial and budgetary consequences which the payment of indemnities would involve,
Requests the Secretary-General to present at the ninth session of the General Assembly a detailed report on the possibility of establishing a special fund to be used for the payment of indemnities.

DOCUMENT A/C.5/L.259**Report by the Chairman on text concerning the respective competence of the Secretary-General and of the Administrative Tribunal for inclusion in the report of the Rapporteur**

[Original text : English]
[30 November 1953]

At the 414th meeting of the Fifth Committee on 28 November 1953 the representative of Australia referred to the importance of defining with precision the respective competence of the Secretary-General and of the Administrative Tribunal. He suggested that the substance of paragraph 35 of the Secretary-General's report might be incorporated in the report of the Rapporteur as representing the sense of the Fifth Committee. The representative of Denmark then suggested that the broader question should be considered of including reference to the main explanations of the proposed amendments to the staff regulations which had been given by the Secretary-General. A Drafting Committee composed of the Chairman, the Rapporteur, the Secretary-General and the Chairman of the Advisory Committee was requested to consider these proposals.

The Drafting Committee met on 29 November 1953 following the meeting of the Fifth Committee and decided to recommend the following text for inclusion in the report of the Rapporteur.

"In recommending the adoption of these amendments to the staff regulations, the Drafting Committee has had in mind the statements of the Secretary-General to the Committee on 18 and 25 November 1953 at its 406th and 412th

meetings, as well as those parts of the Secretary-General's Report on Personnel Policy (A/2533) in which he has set forth his views on the interpretation and application of the new regulations. It has especially had in mind his observations concerning the respective competence of the Secretary-General and of the Administrative Tribunal in applying the staff regulations contained in paragraphs 34, 35, 37, 43, 54 and 66 of his report (A/2533) as well as the observations on the same subject in paragraph 12 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/2555)."

It appeared to the Drafting Committee that this text has the advantage of simplicity and inclusiveness without the necessity of long quotations from documents already before the Committee. It simply draws attention to the fact that in adopting the amendments the Fifth Committee had in mind the relevant statements of the Advisory Committee. It especially refers to the statements desired by the representative of Australia. In the opinion of the Drafting Committee this is as far as it would be desirable for the Committee to go. The competence of the Administrative Tribunal is defined by its Statute and the Fifth Committee cannot change this competence short of proposing a legal text for adoption by the General Assembly.

DOCUMENT A/C.5/L.260**Amendments and additions to the staff regulations and to the Statute of the Administrative Tribunal: note by the Secretariat**

[Original text : English]
[2 December 1953]

The following are the texts approved by the Fifth Committee in the course of its 414th to 418th meetings:

STAFF REGULATION 1.4 (amended text)

"Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their

duties with the United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status."

STAFF REGULATION 1.7 (amended text)

"Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants."

STAFF REGULATION 9.1 (a) (additional paragraph)

"The Secretary-General may also, by a properly motivated decision, terminate the appointment of a staff member who holds a permanent appointment :

"(i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by Article 101, paragraph 3, of the Charter ;

"(ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light which, if they had been known at the time of his appointment should, under the standards established in the Charter, have precluded his appointment ;

"(iii) If such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter ;

"No termination under this paragraph shall take place until the matter has been considered and reported on by a special advisory board consisting of five members of whom two shall be appointed by the Secretary-General and two elected by the staff. The chairman of the board shall be designated by the President of the International Court of Justice."

STAFF REGULATION 9.3 (additional paragraph)

"The Secretary-General may, where the circumstances warrant and he considers it justified, pay to a staff

member terminated under staff regulation 9.1 (a) (iii) an indemnity payment not more than 50 per cent higher than that which would otherwise be payable under the staff regulations."

ARTICLE 9 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL

"1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the notification of the judgment, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his case ; provided that such compensation shall not exceed the equivalent of two years' net base salary of the applicant. The Tribunal may, however, in exceptional cases, when it considers it justified, order the payment of a higher indemnity. A statement of the reasons for the Tribunal's decision shall accompany each such order.

"2. Should the Tribunal find the procedure prescribed in the staff regulations or staff rules has not been observed, it may, at the request of the Secretary-General and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure. Where a case is remanded the Tribunal may order the payment of compensation, not to exceed the equivalent of three months' net base salary, to the applicant for such loss as may have been caused by the procedural delay.

"3. In all applicable cases, compensation shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12."

DOCUMENT A/C.5/L.262

Letter dated 3 December 1953 from the Chairman of the Staff Committee to the Secretary-General

[Original text : English]
[4 December 1953]

The Staff Committee has been considering the text, adopted by the Fifth Committee in first reading (417th meeting), which relates to the composition of the special advisory board provided for in staff regulation 9.1 (a).

We note with appreciation that the number of board members representing the staff, in the sense of being chosen by the staff, is to be equal to the number appointed directly by the Secretary-General.

We are not quite sure, however, that the method of Secretariat-wide election, which seems to be that envisaged for these staff representatives, is the method best calculated to achieve the desired results. It might possibly be better, in the view of the Staff Committee, to have these members of the board elected by the Staff Council, that is, only indirectly by the staff as a whole.

If you feel that the Fifth Committee might be prepared in second reading of this provision to modify the text in such a way as to leave open the exact manner in which the staff would choose its representatives on the board, and if you concur in the view of the Staff Committee, perhaps you would feel prepared to mention the matter to the Fifth Committee at the appropriate time.

(Signed) R. Daniel Hogg
Chairman, Staff Committee

DOCUMENT A/2615

Report of the Fifth Committee

[Original text : English]
[7 December 1953]

1. The General Assembly, by resolution 708 (VII) of 1 April 1953, requested the Secretary-General to submit to the General Assembly at its eighth session a report on the progress made in the conduct and development of personnel policy, together with the comments of the Advisory Committee on Administrative and Budgetary Questions thereon; and invited the Secretary-General and the Advisory Committee to submit, after appropriate consultation with the administrative heads of the specialized agencies, their recommendations as to any further action that might be required of the General Assembly.

2. The Secretary-General placed the item "Personnel policy: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions" on the provisional agenda of the eighth session of the General Assembly. The inclusion of the item in the agenda was approved by the General Assembly at its 435th plenary meeting on 17 September 1953, and the matter was referred to the Fifth Committee for consideration.

3. The Secretary-General, pursuant to General Assembly resolution 708 (VII), submitted his report on personnel policy (A/2533) to the General Assembly on 2 November 1953. Part I of the report contained recommendations for certain amendments to the staff regulations of the United Nations and to Article 9 of the Statute of the Administrative Tribunal. The Secretary-General pointed out that he had consulted with the administrative heads of the specialized agencies or their representatives at meetings of the Administrative Committee on Co-ordination on 7 October 1953 on the subject matter of his report, though not on its text. He stated that he was pleased to note that the representatives of the specialized agencies were in general agreement with him on the basic objectives to be sought and fully understood the reasons for his conclusions that a change in the staff regulations and an increase in the powers of the Secretary-General, subject to appropriate safeguards, were necessary to meet the administrative needs of the United Nations.

4. The Secretary-General also pointed out that, in the course of his review of the administrative system and the rules applying to service in the United Nations, he had found that the staff regulations suffered from ambiguities and omissions which made certain revisions essential if he were to have the powers necessary to fulfil his obligations under the Charter. He further explained that his proposals were based on considerations of a general nature and were in no way adjusted to special circumstances prevailing at a particular time and in relation to a particular country. The objective of a reconsideration of the staff regulations, he added, should be to revise the regulations in the light of the Charter, so that they would provide a just and legal foundation for sound administration, taking into account the equal importance of the independence of the staff, and of the effective functioning of the Organization.

5. The Fifth Committee, at its 402nd meeting on 5 November 1953, requested the Advisory Committee on Administrative and Budgetary Questions to consider the Secretary-General's report and to submit a report thereon. The Advisory Committee submitted a report (A/2555) on part I of the Secretary-General's report on 14 November 1953, containing its observations on the amendments pro-

posed by the Secretary-General and recommending revised texts of certain of these amendments.

On 1 December 1953, the Advisory Committee submitted a further report (A/2581) containing its observations on part II of the report of the Secretary-General.

6. The Fifth Committee also had before it the views of staff representatives set forth in a letter dated 14 November 1953 from the Chairman of the Staff Committee of the United Nations at Headquarters enclosing a statement by the Staff Council dated 13 November 1953, and in a letter dated 10 November 1953 from the Chairman of the Staff Committee of the European Office of the United Nations enclosing a resolution adopted by the Staff Committee on 9 November 1953 (A/C.5/561).

PART I OF THE REPORT OF THE SECRETARY-GENERAL

7. The Fifth Committee held a general discussion on part I of the Secretary-General's report at its 406th to 414th meetings from 18 to 28 November 1953. The detailed views of each delegation will be found in official records of these meetings. In stating their views on the proposals as a whole, a number of representatives considered that the Secretary-General's powers should be made commensurate with his obligations under the Charter. The proposed amendments to the staff regulations, they believed, would have this effect. While it was true that the standards established would involve subjective judgments it was pointed out that such judgments were no more difficult than those involved in determining what was unsatisfactory service or serious misconduct, and adequate safeguards would exist to protect the interests of the staff. The view was also expressed that the Secretary-General already had the powers in question but that it was desirable to state these more expressly in order to avoid misinterpretation in the future. On the other hand, some delegations, while expressing full confidence in the present Secretary-General, believed that the issue should be considered on an institutional rather than a personal basis. They thought that the proposed amendments would give the broadest discretionary power and might be open to abuse in the future. They considered that no action should be taken which might threaten the security and the morale of the staff, or which would lead to the violation of existing contracts or acquired rights.

8. It was generally emphasized that decisions should be made solely to ensure the sound administration of the Organization while protecting the interests of the staff and avoiding any action which might impair their legitimate rights. Conditions of employment should be such as to create an efficient, competent and sound Secretariat, independent and international in character, but not wholly disconnected from the Member States it served. A number of representatives expressed favourable views with regard to the Secretary-General's suggestions in paragraphs 50 to 53 of his report concerning arrangements for the staff to put on record before an independent board of equals what they considered to be the facts with regard to charges made against them, and concerning assistance in obtaining qualified legal counsel before the Administrative Tribunal.

9. Certain representatives suggested that the question should be referred to a committee to meet between the eighth and ninth sessions of the General Assembly, since

many complex questions were involved and very little time remained in the present session to consider them. Such reference, it was suggested, would also permit of consultation with other agencies and bodies concerned as well as receipt of the report of the International Civil Service Advisory Board. Other representatives, however, pointed out that it would not serve the interest of either the staff or the Organization to postpone decisions and thus prolong the discussion and the uncertainty which existed. Since the latter group appeared to be in a substantial majority, those representatives favouring postponement did not insist on a vote.

10. Amendments to the texts proposed by the Secretary-General or recommended by the Advisory Committee were submitted by India, by the United Kingdom, by Argentina and Chile, and by Brazil, Egypt, France, India, Indonesia, Lebanon, Netherlands, and Syria (A/C.5/L.255). Additional amendments to the staff regulations and to the Statute of the Administrative Tribunal were also proposed by Chile and Argentina (A/C.5/L.255) and draft resolutions were submitted by Argentina (A/C.5/L.257) and Canada (A/C.5/L.258). At its 414th to 418th meetings held from 28 November to 2 December 1953, the Committee considered and voted in first reading on the various texts and on the related proposals. At its 422nd meeting on 4 December, the Fifth Committee approved the texts which it recommends for adoption by the General Assembly.

11. In recommending the adoption of the amendments to the staff regulations, the Committee has had in mind the statements of the Secretary-General to the Committee on 18 and 25 November (406th and 412th meetings) and those parts of the Secretary-General's report on personnel policy (A/2533) in which he set forth his views on the interpretation and application of the new regulations. It was noted that the Secretary-General had stated that his decisions would remain subject to review by the Administrative Tribunal to the full extent of its present legal authority, and it was recognized by the Committee that the competence of the Administrative Tribunal was defined by its Statute and that the Fifth Committee could not change this competence short of modifying the Tribunal's Statute by recommending a legal text for adoption by the General Assembly.

12. The consideration of the individual proposals and the decisions of the Committee thereon are summarized in the following paragraphs.

Staff regulation 1.4

13. There was general agreement on the Secretary-General's proposed amendment to staff regulation 1.4 relating to conduct reflecting on integrity, independence and impartiality, which was set forth and explained in paragraphs 68 to 72 of the Secretary-General's report (A/2533). The text was concurred in by the Advisory Committee (A/2555, paragraph 17). The amendment was considered to be a clarification of the present regulation and an express recognition of the principles of the Charter. The amendment was unanimously approved by the Committee at its 414th meeting on 28 November.

Staff regulation 1.7

14. There was a greater difference in opinion with regard to the Secretary-General's proposed amendment to staff regulation 1.7 relative to political activities on the part of staff members. The Secretary-General's proposal was set out and explained in paragraphs 73 to 77 of his report (A/2533). The Advisory Committee, while concurring in the substitution of a new provision, recommended deleting from the Secretary-General's text the

words "unless otherwise authorized in accordance with staff rules issued by the Secretary-General" (A/2555, paragraph 18). A text was also submitted by the United Kingdom (A/C.5/L.255) which, with drafting amendments accepted by the representative of the United Kingdom, provided that staff members might exercise the right to vote but should not engage in any political activity which was inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants. The representative of the United Kingdom explained that his text linked staff regulation 1.7 with the amendment to staff regulation 1.4 which had already been approved. The representative of the Netherlands believed that there was no wide difference in substance between the text proposed by the Secretary-General and that of the United Kingdom (A/C.5/L.255).

15. A few representatives believed that a proposal to limit the political activities of staff members would interfere with their civic rights as well as the basic right of free association; others, while stating that members of their national service had the right to engage in political activities, recognized that special requirements for members of the international Secretariat were necessary to ensure their impartiality; it was noted that prohibition of political activities had been approved by the representatives of the staff. Still other representatives, while agreeing in principle with the amendment, felt that the term "political activities" should be more clearly defined, particularly as to whether it included passive membership in a political party. The Chairman of the Advisory Committee, at the 417th meeting of the Fifth Committee, explained that the term "political activity" in the Advisory Committee text referred only to active participation and not to passive membership in a political party. Representatives favouring the Advisory Committee text thought that it would avoid difficulty in determining what political activities were compatible with employment, and would not require the Secretary-General to act as arbiter.

16. The Committee noted the statement of the Secretary-General, made at the 412th meeting of the Fifth Committee on 25 November, that it was his intention to implement the regulation prohibiting political activities by a staff rule which, in the case of party membership, would be drafted along the following tentative lines: "Membership of a legal political party is permitted, provided that such membership, in the case of the staff member concerned, does not entail subjection to party discipline or action in favour of the party, other than the payment of normal financial contributions". The Committee suggests that the Secretary-General, when he is making the final draft of this rule, should also consider the text put forward by the United Kingdom which is as follows:

"Membership of a political party is permitted, provided that such membership does not entail any positive action, current or potential, other than voting or payment of normal financial contributions, contrary to the provisions of staff regulation 1.7. In any case of doubt, the staff member should consult the Secretary-General".

The Secretary-General explained that his reference to a legal political party did not imply that membership in a party which was illegal under the laws of the country of the staff member concerned would in all cases be a violation of staff regulation 1.7 but that each such case would have to be considered individually. The representative of the United Kingdom explained that the United Kingdom proposal deliberately omitted the word "legal", as membership of illegal parties would be debarred under staff regulation 1.4. The representative of Syria, who had suggested the addition of the phrase "political movement" said that he would not insist on this proposal in

view of the statement by the representative of the United Kingdom that the term "political activity" was broad enough to include the term.

17. The text proposed by the United Kingdom was approved at the 417th meeting on 1 December by 41 votes to none, with 8 abstentions.

Staff regulation 9.1 (a)

18. The text of the Secretary-General's proposed amendment to staff regulation 9.1 (a) regarding termination of permanent appointments is set out and explained in paragraphs 58 to 67 of his report (A/2533).

Preamble

19. In his statement to the Fifth Committee at its 412th meeting on 25 November, the Secretary-General, while not putting it forward as a formal proposal, suggested that the words "by a properly motivated decision" might be added to the preamble of the proposed amendment to staff regulation 9.1 (a). It was explained by the representative of the Secretary-General, at the 417th meeting, that this phrase had been inserted to make it clear that the Secretary-General intended to give a full explanation of the reasons for termination to the staff member concerned and, if necessary, to the Joint Appeals Board and the Administrative Tribunal. A suggestion was accepted that the phrase should be changed to "giving his reasons therefor". The preamble of the Secretary-General's proposal, with the addition of these words, was approved at the 417th meeting by 27 votes to 9, with 2 abstentions.

Sub-paragraph (i)

20. The Advisory Committee on Administrative and Budgetary Questions concurred in the text for sub-paragraph (i) proposed by the Secretary-General. Its observations on the sub-paragraph are set out in paragraphs 5 and 6 of its report (A/2555). It was pointed out by many representatives that sub-paragraph (i) merely incorporated in the regulations the standard of integrity which was already to be found in the Charter. It was also considered a natural corollary to the amendment to staff regulation 1.4. On the other hand, some representatives considered it unnecessary, since they believed that the standard of integrity was already covered by the provisions relating to unsatisfactory service and to misconduct. They believed that integrity was too indefinite a term, required subjective evaluation, and might be subject to political interpretations. Other representatives, however, called attention to the Secretary-General's statement that "integrity" applied only to actions and activities which were morally objectionable, and had no political connotations. The Secretary-General, in his report, had also pointed out that the term "integrity" and the term "loyalty", as often applied in the political sphere, did not cover the same set of considerations, although of course in a case of contested "loyalty", acts might come to light which indicated a lack of integrity as an independent fact (paragraph 59). Many representatives supporting this amendment also referred to the Secretary-General's statement that the proposed regulation related only to present integrity and that events in the past were to be considered only as evidentiary.

21. The representative of India proposed a text for sub-paragraph (i) which, with accepted amendments, provided that the Secretary-General might also, by properly motivated decisions, terminate the appointment of a staff member who holds a permanent appointment if he learned of facts relative to the staff member's conduct during his period of employment in the United Nations, if such facts indicated that the staff member did not meet the high

standards of integrity required by Article 101, paragraph 3, of the Charter.

22. Before the voting took place, the representative of the Secretary-General accepted the suggestion of the representative of Israel to change the phrase "the high standards" to "the highest standards" in accordance with the wording of Article 101 of the Charter. The Secretary-General's text was approved at the 417th meeting on 1 December by 27 votes to 9, with 2 abstentions.

Sub-paragraph (ii)

23. The Advisory Committee, while first raising the question whether a special provision in the staff regulations was required, concluded that, in view of the wide geographical area of United Nations recruitment, a formal and explicit provision was necessary. It recommended the omission of the restrictive word "administrative" from the Secretary-General's text as well as certain amendments in form (A/2555, paragraphs 7 and 8). These recommendations were accepted by the Secretary-General. A revised text of sub-paragraph (ii) was also proposed by India. This text provided that the Secretary-General might also, by properly motivated decisions, terminate the appointment of a staff member holding a permanent appointment if he learned of facts relative to the staff member's conduct anterior to his appointment and relevant to his administrative suitability which, had they been known when he was appointed or had they not been wilfully suppressed or misrepresented by him in his answers to the questions asked of him at the time of his appointment, should, under the standards established in the Charter, have precluded his appointment. The representative of India considered sub-paragraph (ii) to be allied with sub-paragraph (i) in that it concerned "past integrity" and therefore opposed the proposal of the Advisory Committee to delete the restrictive term "administrative".

24. Representatives supporting sub-paragraph (ii) considered it a natural concomitant of sub-paragraph (i). It was considered that an employee was obligated to disclose any present or past circumstances which might lead prospective employers to refuse to employ him. The proposed sub-paragraph was not an innovation incompatible with existing contracts. A few representatives thought that this proposal was unnecessary in that it was covered by the criteria of integrity in the first sub-paragraph, and that in applying to past conduct it overlooked the fact that a person could rise above his past. Others considered it imprecise or open to misunderstanding.

25. Several representatives commented favourably on the suggestion of the Advisory Committee that the procedure for the engagement of staff should include an appropriate clause, both in the application form and in the letter of appointment, prescribing the sanctions to be applied in the event of misrepresentation or omission of material facts.

26. At its 417th meeting on 1 December, the Committee approved, by 27 votes to 9, with 2 abstentions, the text recommended by the Advisory Committee and accepted in the alternative text presented by the Secretary-General.

Sub-paragraph (iii)

27. The Advisory Committee, after setting forth its observations on sub-paragraph (iii) in paragraphs 9 to 13 of its report (A/2555), stated that, on the basis of the safeguards which existed, it was prepared to recommend the text proposed by the Secretary-General subject to an amendment intended to protect the interests both of the Secretariat and of the United Nations as a whole, and

subject to the further safeguard that the provisions would be reviewed by the General Assembly within a period of not more than two years. It suggested that the text should include the words "in the interest of the good administration of the Secretariat or in the general interest of the United Nations".

28. Representatives favouring this sub-paragraph, while considering that it gave very broad powers to the Secretary-General, believed that the observations and statements by the Secretary-General and the Advisory Committee should dissipate any misgivings which existed. They believed that adequate safeguards were provided. The Secretary-General's statement was noted to the effect that this provision was intended to be used in the interest of the staff when it was desired not to stigmatize a staff member by termination or dismissal under other provisions of the staff regulations.

29. Those representatives expressing doubts concerning sub-paragraph (iii) believed that the power granted was so broad as to render other provisions with regard to termination superfluous. The Secretary-General would be the sole judge of the requirements of good administration and contracts would be liable to termination by unilateral decision of one of the contracting parties. They believed that discretionary powers should not take the place of legal rights, and that the adoption of this provision would create a feeling of insecurity among the staff. Some of these representatives, however, expressed their agreement to giving the Secretary-General the power requested for a period of one or two years.

30. The Secretary-General, at the 412th meeting of the Fifth Committee on 25 November, explained again his intention with regard to the use of this sub-paragraph. While he did not put it before the Committee as a formal proposal, he read a text which he thought might prove helpful if a delegation desired to endorse it as a proposal. Sub-paragraph (iii) would be moved to the end of the proposed amendment and there would be added thereto the clause "provided that the action is not contested by the staff member concerned". Thus, this sub-paragraph would only be used in case of a termination agreed to by the staff member, in place of a resignation on request.

31. The Advisory Committee considered this alternative text of the Secretary-General, and its views were reported to the Fifth Committee on 27 November at the 413th meeting. It considered that it would be preferable to delete sub-paragraph (iii) altogether rather than to adopt the new text suggested by the Secretary-General.

32. The Secretary-General clarified his position by stating that he was not formally proposing the alternative text. However, he was prepared to accept the latter if proposed by a delegation, as it was in substance entirely in accordance with the ideas set forth in his report.

33. The United Kingdom submitted a text providing that if, in the considered judgment of the Secretary-General, after he had personally examined the case, interviewed the staff member concerned, and consulted the advisory board, such action would be in the interest of the Organization and in accordance with the standards of the Charter. The representative of the United Kingdom considered that final responsibility must be fixed for the interpretation of the words "in the interest of the good administration of the Organization". Otherwise much litigation might arise. His delegation's text would lay the final responsibility upon the Secretary-General.

34. The representative of the Secretary-General, in reply to a question from the representative of Israel, explained that the words "in accordance with the standards of the Charter" were intended to refer to the

standards of efficiency, competence and integrity mentioned in Article 101 of the Charter. The Fifth Committee, at its 417th meeting on 1 December, after rejecting the Secretary-General's alternative text by 27 votes to 18, with 5 abstentions, the United Kingdom text by 36 votes to 9, with 3 abstentions, and the Advisory Committee's text by 25 votes to 15, with 5 abstentions, approved in first reading the original text of the Secretary-General by 24 votes to 15, with 11 abstentions.

35. Following the first reading, the Secretary-General received a letter from the Chairman of the Staff Committee of the United Nations Secretariat at Headquarters which he transmitted to the members of the Fifth Committee (A/C.5/573). In this letter the preference of the Staff Committee was expressed for the alternative text suggested by the Secretary-General over the text approved by the Committee. The alternative text, it was stated, would largely remove staff anxiety regarding this sub-paragraph. However, the Staff Committee would prefer the procedure of resignation at request over the procedure of agreed termination in the alternative text. The Secretary-General in a statement made before the Fifth Committee at its 420th meeting pointed out that for legal reasons he gave preference to his original proposal which had been approved by the Fifth Committee. However, the alternative text which he had presented represented a solution fully in line with his intentions as well as the recognized needs of the administration, and was therefore agreeable to him.

36. At the 422nd meeting on 4 December, the representative of Belgium, after calling attention to what he considered a misunderstanding on the part of some members of the Committee at the time of the vote on this sub-paragraph in first reading, proposed that the words "provided that the action was not contested by the staff member concerned" which had appeared in the Secretary-General's alternative text, should be added to the text previously approved. This sub-paragraph would then be moved to the end of the amendment, as was also suggested in the alternative text of the Secretary-General, since reference to a special advisory board would no longer apply to this provision. The proposal was approved by the Committee by 36 votes to 14, with 4 abstentions.

Special advisory board

37. The Secretary-General's proposal for a special advisory board to consider cases involving termination under the new provisions of staff regulation 9.1 (a) was presented by him as one of the safeguards for the exercise of his new powers. While approving the idea of a special advisory board, a number of representatives suggested that the Secretary-General should examine the question of simplifying the system of boards and committees dealing with staff matters. Several representatives referred to the desirability of ensuring adequate representation of the staff on the board and also considered that the appointment of the chairman by the President of the International Court of Justice would enhance the standing of the board. Since, however, the board was to be an administrative and not a judicial body, the view was expressed by several representatives that the chairman, if he were to be appointed by the President of the International Court of Justice, need not of necessity be a lawyer, but might be a suitably qualified person from another profession.

38. Argentina and Chile proposed a text covering the composition of the board which, with accepted amendments, provided that no termination under the new paragraphs should take place until the matter had been con-

sidered and reported on by a special advisory board consisting of five members, of whom two should be appointed by the Secretary-General and two elected by the staff. The chairman of the board should be designated by the President of the International Court of Justice. The United Kingdom also submitted an alternative proposal as to the board's composition providing that the board should consist of a chairman to be nominated by the President of the International Court of Justice, two members to be nominated by the Secretary-General from individuals of well-established reputation not connected with the United Nations, one member of the staff representing the Secretary-General and one member representing the staff, to be selected after consultation between the Secretary-General and the Staff Committee. The United Kingdom also recommended that its text should not be adopted as a staff regulation but should be incorporated in the Rapporteur's report, as a suggestion for a staff rule, for consideration by the Secretary-General.

39. The Fifth Committee in its first reading decided, by 21 votes to 15, with 5 abstentions, on the principle that the provisions governing the membership of the proposed advisory board should be embodied in a staff regulation. Following this vote, the United Kingdom representative proposed his text as an amendment to the joint Argentine-Chilean proposal. The Committee rejected by 18 votes to 18, with 11 abstentions, the text of the United Kingdom. The joint amendment was then approved in first reading, by 28 votes to 11, with 6 abstentions, at the 417th meeting on 1 December.

40. The Secretary-General, before the second reading, suggested reconsideration of this decision and proposed that the board should consist of a chairman appointed by the Secretary-General on the nomination of the President of the International Court of Justice and of four members appointed by the Secretary-General in agreement with the Staff Council. He considered that direct election of staff representatives on the board would be awkward and impracticable and that it was desirable that the advisers should be persons in whom the Secretary-General and the staff had expressed confidence by mutual agreement. He further suggested that the composition of the board was a subject which could more appropriately be dealt with in a staff rule than in a staff regulation. He consequently proposed the adoption, as the staff regulation, of his original proposal that the board should be appointed by the Secretary-General and stated that, if the regulation were accepted by the Committee, he would implement it by the following staff rule:

"The special advisory board shall be composed of a chairman appointed by the Secretary-General on the nomination of the President of the International Court of Justice, and of four members appointed by the Secretary-General in agreement with the Staff Council."

41. In a letter from the Chairman of the Staff Committee, the view was expressed that the exact manner in which the staff should choose its representatives on the board should be left open in the text of the staff regulation (A/C.5/L.262).

42. The proposal of the Secretary-General was approved by the Fifth Committee at its 422nd meeting on 4 December by 53 votes to none, with 1 abstention.

Staff regulation 9.3

43. The Secretary-General's proposed amendment to staff regulation 9.3 relative to the payment of increased indemnities is set out and explained in paragraphs 78 to 80 of his report (A/2533). The Advisory Committee, after recording its observations thereon in paragraphs 19 to 22 of its report (A/2555), recommended that the pay-

ment of increased indemnities should be limited to those cases of staff members terminated under staff regulation 9.1 (a) (iii), and that the increase should be limited to a figure 50 per cent higher than that which would otherwise be payable.

44. Those representatives favouring the Secretary-General's text believed that the increased indemnity would not only be a reasonable corollary to the increase in the Secretary-General's power under staff regulation 9.1 (a) (iii), but the increased indemnities should also be paid in cases where termination did not result from fault on the part of a staff member. The Secretary-General explained that this would mean that the increased indemnities could be paid in cases of termination on the grounds of health, abolition of post and reduction of staff. The representative of the Secretary-General, at the 417th meeting of the Fifth Committee, accepted an express reference to these grounds as an amendment to the Secretary-General's text. He also accepted a modification which would clearly show the intention to give the Secretary-General discretion to pay an increased indemnity up to the amount stipulated.

45. Some representatives who opposed sub-paragraph (iii) of staff regulation 9.1 (a) were also opposed to the present amendment. Some others opposed any increase in the present indemnities, which they considered to be sufficient in all cases of dismissal.

46. Those representatives supporting the Advisory Committee text believed that, since staff regulation 9.1 (a) (iii) gave wider discretionary powers to the Secretary-General to terminate appointments, he should also have wider discretionary power with regard to payment of indemnities for persons terminated under this provision. They could not agree, however, that there were any grounds for altering the indemnity rates approved at an earlier session of the General Assembly with regard to terminations under existing staff regulations. It was pointed out by the Chairman of the Advisory Committee that, while terminations under 9.1 (a) (iii) would be exceptional, the new provision would entail considerable expenditure if it were extended to other cases.

47. The Fifth Committee first voted on a proposal by the United Kingdom that no addition should be made to staff regulation 9.3. This proposal was rejected by 19 votes to 12, with 16 abstentions. The text recommended by the Advisory Committee was then approved, at the 417th meeting of the Committee on 1 December 1953, by 22 votes to 14, with 11 abstentions.

Article 9 of the Statute of the Administrative Tribunal

48. The Secretary-General's proposal for revision of article 9 of the Statute of the Administrative Tribunal was set out and explained in paragraphs 81 to 87 of his report (A/2533). The Advisory Committee concurred in the second and third paragraphs of the Secretary-General's proposal and recommended a new text for the first paragraph. This new paragraph retained the first sentence of the existing article 9 of the Statute, while at the same time meeting the points raised by the Secretary-General. It further suggested that it was desirable from the point of view of financial administration to limit the compensation that might be awarded to one year's net base salary, or \$10,000, whichever was smaller, and recommended an amendment to the Secretary-General's text to that effect. The Chairman of the Advisory Committee explained that this amount was intended to be in addition to any indemnities paid by the Secretary-General under the staff regulations at the time of termination.

49. The Secretary-General accepted the first part of the Advisory Committee's text, but desired to maintain his original limit on the amount of compensation which the Administrative Tribunal might award, which was two years' net base salary. It was explained by the representative of the Secretary-General that, in accordance with the practice of the Administrative Tribunal, it was intended that the amount would be less any indemnities paid at the time of termination. The Secretary-General had, however, suggested that in exceptional cases the Administrative Tribunal should be free to recommend the payment of higher compensation.

50. A joint amendment (A/C.5/L.255) was proposed by Brazil, Egypt, France, India, Indonesia, Lebanon, Netherlands and Syria which, with consequential drafting changes, would add to the revised text of the Secretary-General the provision that the Administrative Tribunal might, in exceptional cases when it considered it justified, order the payment of a higher indemnity. A statement of the reasons for the Tribunal's decision should accompany each such order. The representative of France, as a co-sponsor of the joint amendment, stated that he did not consider that the proposed amendment would in any way affect the normal practice of the Administrative Tribunal with regard to the deducting of termination indemnities from the amount of compensation.

51. Some representatives opposed any action on this subject because they believed it undesirable to tamper with the Statute of the Administrative Tribunal in a way which might alter the existing balance between the power of the Secretary-General and of the Tribunal. Furthermore, it was pointed out that, in many national administrations, reinstatement was the normal remedy, and that compensation was not a satisfactory substitute for the loss of employment. Other representatives agreed that compensation should be the rule but did not favour a rigid ceiling thereon. To accept the proposed amendment, they believed, might reduce the Administrative Tribunal to a body whose sole function would be to approve or disapprove the grant of previously determined indemnities. On the other hand, opposition was also expressed on the ground that it would be contrary to Article 17 of the Charter to approve in advance a limit below which awards made by the Tribunal would not be subject to budgetary review by the General Assembly.

52. There was general acceptance of paragraphs 2 and 3 of the Secretary-General's proposed revision of article 9 of the Statute of the Administrative Tribunal, and these paragraphs were not discussed in substance by the Committee. The view was expressed by one representative, however, that there should be no limit on the compensation for loss caused by a procedural delay.

53. The Fifth Committee, at its 418th meeting on 2 December, decided to vote on the first paragraph in three parts. The first part was approved by 55 votes to none, with no abstentions. The second part, beginning with the words "provided that" was approved by 32 votes to 17, with 5 abstentions. The third part, beginning "The Tribunal may, however" was approved by 33 votes to 17, with 4 abstentions. The Committee then approved the paragraph as a whole by 34 votes to 13, with 6 abstentions. The Committee approved the second paragraph by 54 votes to none, with one abstention, and unanimously approved the third paragraph.

Staff regulation 1.2

54. The Committee also had before it an amendment proposed by Argentina and Chile to delete the words "activities or" from staff regulation 1.2. The purpose of

the amendment, it was explained, was to ensure that staff members would not be assigned to activities of a completely different nature from that for which they were recruited and for which they might not have the proper qualifications. The representative of the Secretary-General explained that it was desirable to retain these words in order, among other reasons, that the Secretariat might have the necessary flexibility referred to in the Secretary-General's report on the organization of the United Nations (A/2554). He said that the Committee should have confidence that no action would be taken by the Secretary-General contrary to the terms of the letter of appointment and that the Secretary-General would not apply this regulation unreasonably. The representative of the Netherlands called attention to the provisions of annex II to the staff regulations requiring letters of appointment to state the nature of the appointment as well as the category, level and commencing rate of salary. He added that, in his opinion, any change in category which would not be anticipated in the provisions of the letter of appointment could be the subject of appeal by the staff member concerned to the Administrative Tribunal. On the understanding that a reference would be made to these statements in the Committee's report, the representatives of Argentina and Chile withdrew their amendment.

Article 7, paragraph 3, of the Statute of the Administrative Tribunal

55. Argentina and Chile also proposed an amendment to the present text of article 7, paragraph 3, of the Statute to delete the words "unless the joint body considers that it is frivolous". The representative of Chile, in explaining the amendment, emphasized that, under the present wording of the article, a staff member who considered himself to be the victim of an arbitrary action might be deprived of any possibility of appealing to the Administrative Tribunal. This constituted a denial of justice, particularly since the joint body was not a judicial but a strictly advisory body, composed of members of the Secretariat. It was pointed out, on the other hand, that the requirement of unanimity on the part of the Joint Appeals Board, including the elected representatives of the staff, represented a very substantial safeguard. The proposed amendment was rejected, by 20 votes to 7, with 22 abstentions, by the Committee at its 418th meeting on 2 December 1953.

Review by the General Assembly

56. The Secretary-General in his report suggested that, as a counterpart to the granting of discretionary powers, it would be desirable to have a review by the General Assembly analogous to parliamentary control in national administrations. A number of representatives welcomed the suggestion, but stressed that such review should be strictly confined to principles and should not lead the General Assembly to examine individual cases which were not appropriate for consideration by it. Canada proposed a draft resolution providing that the General Assembly would decide to undertake, at its tenth session in 1955, on the basis of a report to be submitted by the Secretary-General and the comments thereon of the Advisory Committee, including their recommendations as to such further action as might be required of the General Assembly, a review both of the principles and standards progressively developed and applied by the Secretary-General in his implementation of the staff regulations and of the staff regulations themselves. It would also request the Secretary-General to circulate to governments of Member States not later than four weeks before the opening date of the tenth session the report and comments referred to. The representative of Canada explained that

his resolution was based on paragraphs 39 and 40 of the Secretary-General's report which dealt with the control by the General Assembly of the principles of interpretation of the new grounds for termination and on paragraph 13 of the Advisory Committee's report which suggested that sub-paragraph (iii) of the amendment to staff regulation 9.1 (a) should come under General Assembly review within a period of not more than two years. The representative of Canada also suggested that the Secretary-General should transmit a detailed report to the specialized agencies on the new regulations and their application.

57. The draft resolution proposed by Canada was unanimously approved by the Committee at its 416th meeting on 1 December 1953.

Special fund for payment of indemnities

58. In the course of the discussion of the amendment to staff regulation 9.3, the representative of Argentina raised the question of the desirability of establishing a special fund to cover the payment of indemnities. With this in view, Argentina submitted a draft resolution as follows:

"The General Assembly,

"Considering the existing provisions relating to indemnities,

"Considering that it is necessary to make provision in advance for the financial and budgetary consequences which the payment of indemnities would involve,

"Requests the Secretary-General to present at the ninth session of the General Assembly a detailed report on the possibility of establishing a special fund to be used for the payment of indemnities."

59. In the course of the discussion the representative of France suggested that, instead of a resolution on the subject, the Rapporteur's report might contain a request to the Secretary-General and to the Advisory Committee to prepare for the ninth session a report on the financing of indemnities, taking into account the views expressed in the Committee's discussion. The representative of Turkey believed that the report should also discuss the question whether the establishment of a fund of this kind would be compatible with the provisions of Article 17 of the Charter. In this connexion, the Chairman of the Advisory Committee stated that, without wishing to anticipate the attitude of the Committee, he believed the establishment of such a fund would raise important constitutional issues.

60. The Secretary-General informed the Committee that, if it expressed a wish to that effect, he would undertake a study of the possibility and desirability of the proposal before making budgetary arrangements for the payment of indemnities. He used the term "budgetary arrangements" as he felt that various possible solutions should be studied and not merely the proposal for a special fund. The Committee agreed that the Rapporteur's report should indicate the desire of the Committee that the Secretary-General should submit the study envisaged to the ninth session of the General Assembly.

PART II OF THE REPORT OF THE SECRETARY-GENERAL

61. At its 419th meeting, the Committee turned its attention to the problems and policy suggestions dealt with in part II of the report of the Secretary-General on personnel policy (A/2533). Discussion was directed for the most part to the problems resulting from the application to United Nations staff members of the relevant provisions of the United States Immigration and Nationality Act of 24 December 1952, on the basis of the

observations and proposals outlined in chapter IV of the Secretary-General's report and the recommendations set forth in the twenty-fifth report of the Advisory Committee (A/2581).

62. The Committee was informed that the number of staff members who were in permanent residence status and therefore affected by the above Act had been reduced, by 17 November 1953, to 453. Of this total, 121 had been authorized by the Secretary-General to sign a waiver of privileges and immunities, including forty-nine who are presently entitled to benefits associated with international recruitment.

63. In the ensuing discussion, a number of delegations specifically endorsed the view expressed by the Advisory Committee in its report that a decision to remain on permanent residence status in no way represented an interest of the United Nations and that, on the contrary, to the extent (if any) that it might weaken existing ties with the countries of nationality it was an undesirable decision. Attention was also called to the fact that the Act provided full opportunity for the adjustment of immigrant status to G-4 visa status, and that no technical difficulty of any kind arose in that respect. At the same time, however, it was pointed out that nothing in the administrative rules of the Organization had hitherto precluded the recruitment of persons in immigrant status or the transference (if approved by the Secretary-General) of staff members from G-4 visa status to that of permanent residence. Consequently, it was argued, it would be inequitable if, by reason of legislative action on the part of the host country, such staff members were to find themselves in a position of inferiority to staff of United States nationality recruited locally.

64. It was therefore proposed by the Secretary-General and concurred in by the Advisory Committee that a staff member opting for permanent residence status in the country of his duty station, and thereby rendering himself liable to national income taxation on salary and other emoluments received from the United Nations, should receive reimbursement of such taxation, subject to the decision of the General Assembly to appropriate funds annually for this purpose. On the other hand, it was recommended that such staff member should:

(i) Lose any eligibility for home leave;

(ii) Lose any entitlement to payment of non-resident's allowance from the date on which the staff rules were changed or from the end of the month in which he signed the waiver, whichever was later;

(iii) Lose any entitlement to education grant after the completion of the 1953-1954 academic year. He would, however, retain eligibility for one-way travel for the dependent child between the home country and duty station on the completion of the 1953-1954 academic year;

(iv) Lose any entitlement to repatriation grant;

(v) Lose any eligibility for return transportation for himself or his dependants, and for removal of household effects, which was based on "place of home leave".

65. In addition, the Advisory Committee, while concurring in the transitional measure recommended by the Secretary-General as regards a staff member's entitlement to the education grant, considered as unwarranted the Secretary-General's proposal that staff members who would otherwise have been eligible for home leave during 1953 or 1954 should be permitted to take one final home leave during the year in which it would have fallen due.

66. The Advisory Committee further recommended (a) that persons in permanent residence status should in future be ineligible for appointment as internationally recruited staff members unless they were prepared to change to a G-4 (or equivalent) visa status; and (b) that,

except in the cases of the above-mentioned 453 staff members, any internationally recruited member of the Secretariat who asked and received authority to change from a G-4 (or equivalent) visa status to a permanent residence status should not thereby acquire any entitlement to reimbursement of national income taxes. However, in exceptional cases to be defined by the Secretary-General in the staff rules, a member of the Secretariat may be permitted to change his status without thereby forfeiting the possibility of acquiring entitlement to such reimbursement.

67. The specific recommendations of the Advisory Committee received a wide measure of support. A number of delegations, however, recorded their strong opposition to any extension of the policy of national income tax reimbursement to a further group of staff members; they would not therefore be able to support the appropriation of additional funds for this purpose. The recommendation that present staff members who opted for permanent residence status in the country of their duty station should, subject to annual appropriation of funds, receive reimbursement of national income taxes, on being put to the vote, was approved by 27 votes to 11, with 12 abstentions. The recommendations relating to loss of entitlement to various benefits associated with international recruitment, as indicated in sub-paragraphs (i) through (v) of paragraph 64 above, were approved by 47 votes to none, with 2 abstentions.

68. In the light of an explanation given by the representative of the Secretary-General, the Committee accepted, by 25 votes to 12, with 12 abstentions, a proposal by the representative of Denmark that the transitional arrangements, as recommended by the Secretary-General, should apply in the case of home leave, as well as in the case of the education grant.

69. The Committee, having been informed that the Secretary-General would in future refuse to recruit persons in permanent residence status for posts subject to international recruitment, concurred, by 48 votes to 1, with 1 abstention, in the recommendation of the Advisory Committee as set forth in paragraph 66 (a) above. The Advisory Committee's final recommendation, as stated in paragraph 66 (b) above, was similarly accepted by 45 votes to 1, with 3 abstentions. In connexion with this last recommendation, certain delegations questioned the equity of treating staff members who were already in permanent residence status differently from those who subsequently opted for that status. Doubts were also expressed as to the equity of making a distinction between United States citizens who would continue to be entitled to the benefits associated with international recruitment and other staff members who were not yet citizens of the United States but who had applied for or had acquired permanent residence status.

70. Several delegations expressed the hope that the Secretary-General would submit definite proposals in due course for dealing with the problem that had arisen with regard to the application of the principle of geographical distribution. The view was widely shared that international officials should be true representatives of the culture and personality of the country of which they were nationals, and that those who elected to break their ties with that country could no longer claim to fulfil the conditions governing employment in the United Nations. It was stated by the representative of the Secretary-General that definite proposals had not yet been submitted since the Secretary-General had as yet no clear knowledge of how large the problem would be. Should any considerable number of internationally recruited staff members decide to retain their permanent residence status, the Secretary-General would report the matter

to the General Assembly at its next session, together with specific proposals for dealing with the situation.

71. A formal proposal, however, was moved orally by the representative of Czechoslovakia to the effect that staff members at Headquarters having permanent residence status should be excluded, for the purposes of geographical distribution of the staff, from the quotas appropriate to their country of nationality and should be included for such purposes within the quota appropriate to the United States. He further requested that this proposal should be voted on in two parts. The first part of the proposal being rejected by 18 votes to 18 with 10 abstentions, it was ruled that the proposal as a whole had failed.

72. The Committee, however, accepted, by 20 votes to 16, with 13 abstentions, an alternative proposal by the representative of Lebanon to the effect that, for purposes of applying the criterion of equitable geographical distribution as required by Article 101 of the Charter, staff members of a nationality other than that of the host country who acquired permanent residence status in the host country should be classified in a special category.

73. It was the understanding of the Committee that these decisions should be recorded in its report to the General Assembly for the guidance of the Secretary-General in giving effect to the policies thus approved through appropriate amendments to the Staff Rules.

Recommendations of the Fifth Committee

74. In accordance with the foregoing decisions, the Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

AMENDMENTS TO THE STAFF REGULATIONS OF THE UNITED NATIONS

The General Assembly

Adopts, as amendments to the staff regulations of the United Nations, the text annexed to the present resolution. These amendments shall become effective from the date of their adoption.

ANNEX

STAFF REGULATION 1.4 (amended text)

Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

STAFF REGULATION 1.7 (amended text)

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants.

STAFF REGULATION 9.1 (a) (additional provisions)

The Secretary-General may also, giving his reasons therefor, terminate the appointment of a staff member who holds a permanent appointment:

(i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light which, if they had been known at the time of his appointment should, under the standards established in the Charter, have precluded his appointment.

No termination under sub-paragraphs (i) and (ii) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.

The Secretary-General may finally terminate the appointment of a staff member who holds a permanent appointment if such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter, provided that the action is not contested by the staff member concerned.

STAFF REGULATION 9.3 (additional paragraph)

The Secretary-General may, where the circumstances warrant and he considers it justified, pay to a staff member terminated under the final paragraph of staff regulation 9.1 (a) an indemnity payment not more than 50 per cent higher than that which would otherwise be payable under the staff regulations.

Draft resolution II

AMENDMENT TO THE STATUTE OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL

The General Assembly

Adopts, as an amendment to the Statute of the Administrative Tribunal, the text annexed to the present resolution. This amendment shall become effective from the date of its adoption.

ANNEX

ARTICLE 9 (amended text)

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same

time the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the notification of the judgment, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his case; provided that such compensation shall not exceed the equivalent of two years' net base salary of the applicant. The Tribunal may, however, in exceptional cases, when it considers it justified, order the payment of a higher indemnity. A statement of the reasons for the Tribunal's decision shall accompany each such order.

2. Should the Tribunal find the procedure prescribed in the staff regulations or staff rules has not been observed, it may, at the request of the Secretary-General and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure. Where a case is remanded the Tribunal may order the payment of compensation, not to exceed the equivalent of three months' net base salary, to the applicant for such loss as may have been caused by the procedural delay.

3. In all applicable cases, compensation shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12.

Draft resolution III

REVIEW OF THE STAFF REGULATIONS OF THE UNITED NATIONS, INCLUDING THE PRINCIPLES AND STANDARDS APPLIED IN THEIR IMPLEMENTATION

The General Assembly

1. Decides to undertake, at its tenth session in 1955, on the basis of a report to be submitted by the Secretary-General and of the comments thereon of the Advisory Committee on Administrative and Budgetary Questions, including their recommendations as to such further action as may be required of the General Assembly, a review both of the principles and standards progressively developed and applied by the Secretary-General in his implementation of the Staff Regulations and of the Staff Regulations themselves;

2. Requests the Secretary-General to circulate to governments of Member States, not later than four weeks before the opening date of the tenth session of the General Assembly, the report and comments referred to in paragraph 1 above.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting on 9 December 1953, the General Assembly adopted draft resolutions I, II and III submitted by the Fifth Committee (see above). For the final text, see resolution 782 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2364	Report of the Secretary-General		Official Records of the General Assembly, Seventh Session, Annexes, agenda item 75
A/2533	Report of the Secretary-General	1	
A/2534	Report of the Secretary-General		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 38
A/2554	Report of the Secretary-General		Ibid., Eighth Session, Annexes, agenda item 48

Document No.	Title	Page	Observations and references
A/2555	Twenty-first report of the Advisory Committee on Administrative and Budgetary Questions	21	
A/2580	Twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions		Official Records of the General Assembly, Eighth Session, Annexes, agenda item 38
A/2581	Twenty-fifth report of the Advisory Committee on Administrative and Budgetary Questions: observations on part II of the report of the Secretary-General (A/2533)	25	
A/2615	Report of the Fifth Committee	38	
A/C.5/561	Note by the Secretary-General transmitting communications received from staff representatives	26	
A/C.5/563	Statement by the Secretary-General before the Fifth Committee at the 406th meeting on 18 November 1953		Incorporated in the summary records of the Fifth Committee, 406th meeting
A/C.5/564	Statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions before the Fifth Committee on 18 November 1953 at the 406th meeting		Ditto.
A/C.5/566	Statement made by the Secretary-General before the Fifth Committee at its 412th meeting on 25 November 1953		Incorporated in the summary records of the Fifth Committee, 412th meeting
A/C.5/567	Statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions before the Fifth Committee at its 413th meeting on 27 November 1953		Incorporated in the summary records of the Fifth Committee, 413th meeting
A/C.5/573	Note by the Secretary-General transmitting a communication from the Chairman of the Staff Committee dated 2 December 1953	31	
A/C.5/574	Statement by the Secretary-General before the Fifth Committee at its 420th meeting on 3 December 1953		Incorporated in the summary records of the Fifth Committee, 420th meeting
A/C.5/L.4/Rev.2	Draft Statute of a United Nations Administrative Tribunal with proposed amendments		Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex, Vol. I
A/C.5/L.255	Amendments and additions to the staff regulations and to the Statute of the Administrative Tribunal: note by the Secretariat	32	
A/C.5/L.256	Argentina and Chile: amendment to the proposed addition to regulation 9.1 (a) of the staff regulations (A/2533, paragraph 58)		See A/C.5/L.255
A/C.5/L.257	Argentina: draft resolution	36	
A/C.5/L.258	Canada: draft resolution		See A/2615, paragraph 74, draft resolution III
A/C.5/L.259	Report by the Chairman on text concerning the respective competence of the Secretary-General and of the Administrative Tribunal for inclusion in the report of the Rapporteur	36	
A/C.5/L.260	Amendments and additions to the staff regulations and the Statute of the Administrative Tribunal: note by the Secretariat	36	
A/C.5/L.262	Letter dated 3 December 1953 from the Chairman of the Staff Committee to the Secretary-General	37	
A/C.5/L.265	Draft report of the Fifth Committee		For this text, as amended at the 426th meeting, see A/2615
A/RESOLUTION/191	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Official Records of the General Assembly: Eighth Session, Supplement No. 17, resolution 782 (VIII)
AT/DEC/18 to 42	United Nations Administrative Tribunal: Judgments Nos. 18 to 42		Mimeographed document only
AT/AFS/SER.A/214	Visa status of non-United States staff members serving in the United States		Mimeographed document only



Agenda item 52: Question of a change in the opening date of regular sessions of the General Assembly

CONTENTS

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DOCUMENT A/2436

Report of the Secretary-General

[Original text: English]
[12 August 1953]

I. GENERAL

1. The General Assembly, at its 406th plenary meeting held on 18 December 1952, decided to include in the provisional agenda of its eighth regular session an item entitled "Question of a change in the opening date of regular sessions of the General Assembly", and "to instruct the Secretary-General to prepare a report, for circulation to Members not later than five weeks before the opening of the eighth session, on the practical consequences of a change in the opening date of regular sessions from the third Tuesday in September to another date earlier or later in the year" (resolution 692 (VII)).

2. Under the present rules, which require regular sessions of the General Assembly to commence on the third Tuesday in September, the Assembly, for reasons both of an unpredictable and of a recurring nature, found it necessary to postpone the opening of the second part of its first session and the opening of its sixth and seventh sessions.

3. In the last two cases, the postponement resulted in, or contributed to, the continuation of the sessions into the following year, with the consequent interruption of the work schedule and of the continuity of representation in the Assembly. In addition, the third and fifth sessions, which opened at the normal time, continued into the following year after adjournments lasting four months and one and a half months respectively.

4. Thus, only two of the seven regular sessions have opened at the normal time and closed without interruption.

5. Unforeseen circumstances will no doubt continue to require the occasional postponement of sessions of the Assembly regardless of the time of year in which the regular opening is set. Likewise, considerations other than those peculiar to the fourth quarter of the year may cause a disruption of the Assembly's work. However, it seems probable that an opening date during the first half of the year would reduce the risk of postponements followed by a disruption of the work of the Assembly.

6. The present situation would not be materially altered if the opening date were advanced by only a few weeks. To fix the opening date substantially earlier, in the middle of the calendar year, would place the period of most intensive preparatory activity at a time when many members both of delegations and the Secretariat would be absent from United Nations Headquarters. If advantage is to be gained from a change in date in the respects referred to, consideration should, as indicated, be given to a convenient date between the beginning of the year and the early summer months. As a practical example, the Secretary-General has taken 20 April as a suggested opening date, which would eliminate the necessity of dividing the regular sessions into two parts and would allow the Assembly to complete a session of normal length by the beginning of the summer. From the statement of the effect of such a change on the conference schedule and upon the financial arrangements of the United Nations as set out below, it will readily be seen to what extent these consequences would apply to other possible dates within that period of the year.

II. PATTERN OF CONFERENCES

7. The opening of sessions of the General Assembly in April would require adjustments to be made in the pattern of conferences, particularly with regard to the Economic and Social Council and its functional commissions.

8. It would appear convenient for the two sessions of the Economic and Social Council to begin during the middle of September and the middle of January. It would then be possible for the functional commissions to meet during July and in the November-December period. The reports of the functional commissions dealing with economic matters would presumably be discussed by the Council at the September session and those dealing with social matters at the January session.

9. The Regional Economic Commissions could continue to meet during the first half of the year, their reports being submitted to the September session of the Council.

10. On the other hand, a session of the General Assembly beginning in the latter part of April would coincide with the major meetings of several of the specialized agencies. This might on occasion render more difficult the maintenance of the appropriate reciprocal representation. Furthermore, assuming that the specialized agencies maintained their present financial year, the General Assembly would have to consider the budgets of the agencies during the year to which those budgets actually applied, as it could scarcely be considered appropriate for the Assembly to consider those budgets before the general conferences of the agencies had decided on them.

11. Sessions of the Trusteeship Council could continue to be held in January or in June or shortly after the adjournment of the session of the General Assembly.

12. Under these arrangements, the month of August would remain relatively free from meetings of United Nations bodies.

13. It should be noted that travel reservations during April are readily available, as are hotel accommodations in New York. On the other hand, return passages to Europe at the end of the Assembly session would have to be obtained on relatively short notice during the period of the heaviest west-to-east Atlantic traffic.

III. FINANCIAL ARRANGEMENTS

14. From an administrative point of view, a change in the opening of Assembly sessions to the month of April would carry with it important implications for the financial arrangements of the Organization, with particular regard to the budget, the reports of the Board of Auditors, the contributions of Members and the Working Capital Fund, and they raise the question whether a change in the financial year would not have to be considered.

(a) Review of the situation if the financial year were unchanged

15. If the financial year were to remain unchanged and the deadlines set by the financial regulations for the preparation and submission of the budget estimates were unaltered, the budget estimates would have to be transmitted to the Advisory Committee on Administrative and Budgetary Questions not later than 24 January, and to Members not later than 14 March. Thus, the Secretariat would have to begin in the month of September the preparation of the budget estimates for approval by the Secretary-General not later than mid-December.

16. It is apparent that this schedule would considerably increase the period of time between the dates at which the budget estimates were prepared and the beginning of the year to which the estimates related. Budget estimates, which are presently completed some seven months before the opening of a financial year, would have to be completed more than one full year before the opening of a financial year. Similarly, the budget resolutions, which are now adopted by the General Assembly some two weeks before the beginning of a financial year, would be approved six months in advance of their entry into effect. These are serious drawbacks which would inevitably result in the submission at the following session of larger supplementary estimates.

17. The supplementary estimates themselves would have to be submitted to the General Assembly not later than 1 June. They would thus be based on only four months' experience at Headquarters under a given budget and three months' experience at the Geneva Office and all other overseas offices, periods which would be inadequate for the accurate assessment of a full year's requirements.

18. Although such difficulties might be remedied in part by a more extensive use of the provisions concerning unforeseen expenditures, that procedure would lead in turn to a situation where contributions to cover expenditures of a given financial year would be assessed in three successive years. Obligations and expenditures relating to the financial year 1955, for instance, would be financed by assessments for 1955 (original appropriations), for 1956 (supplementary estimates) and for 1957 (unforeseen items arising after the supplementary estimates had been approved). It could thus be possible for a two-year period to elapse between the end of a given budget year and the final receipt of funds to cover the expenditures directly related to that budget year.

19. Under the present financial year, a change to April of the opening date of the General Assembly would have little effect on the dates by which the financial report and the report of the Board of Auditors are now completed. The financial report on the accounts of a given year would continue to be submitted in March. The report of the Board of Auditors would be completed in May, submitted to the Advisory Committee at the beginning of June and to the General Assembly during the last month of the regular session. The audit operation would, however, be conducted during a period of pressure and would itself be subject to a more rigid time schedule than is now the case. Opportunity for discussion of the contents of the Auditors' report between the Auditors and the Secretary-General would therefore be limited, as would also the review of the two reports by the Advisory Committee.

20. A similar schedule would apply to the reports of the Board of Auditors on the accounts of the United Nations Joint Staff Pension Fund and of the United Nations International Children's Emergency Fund.

21. The over-all situation regarding the contributions of Members would not be affected by a change in the opening date of the Assembly's sessions. The financial regulations provide that contributions of Member States are due within thirty days of the receipt of the Secretary-General's request or on the first day of the financial year to which they relate, whichever is later. Contributions could be requested well before the first of January and would in consequence become due on 1 January at the latest.

22. If no change were made in the financial year, certain factors point to the probability that a heavier burden would be placed on the Working Capital Fund.

The difficulties in submitting comprehensive supplementary estimates to which reference is made above would tend to call for greater reliance on the Working Capital Fund for the financing of unforeseen and extraordinary expenditures. Furthermore, there would be a substantial change in the annual pattern of expenditures in relation to the receipt of contributions, due to the necessity of covering, in the first half of the year, the costs of an Assembly session and an important part of the contractual printing programme. These also would require further withdrawals from the Working Capital Fund.

(b) *Review of the situation if the financial year were changed*

23. If a decision to convene regular sessions of the General Assembly in April were accompanied by a decision to change the financial year of the United Nations to 1 July—30 June, the time schedule for the preparation and consideration of budget estimates in relation to the financial year would remain the same as it is at present, and several of the difficulties set out above (section III (a)) would disappear. Special attention should, however, be given to the effect that a change of the financial year might have on the receipt of contributions of Members. Serious risks to the financial arrangements of the Organization might be involved.

24. Member States must of necessity observe their own national processes with regard to the authority for the payment of their contributions to the United Nations. A change in the United Nations financial year would undoubtedly have repercussions on the normal time schedule of the receipt of contributions. It might, *inter alia*, oblige some Member States to divide their contributions to the United Nations between two successive budgets.

25. On the other hand, a change in the financial year might make it possible to obtain a substantial portion of the total annual assessment at the beginning of the Organization's financial year. This might prove to be the case in respect of those Members having a financial year covering 1 July—30 June, whose contributions might be made available as early as possible to cover expenditures of the United Nations for the same financial period. If this were the case and if no change occurred in the time when the bulk of the contributions was paid, a change in the financial year to 1 July—30 June would be beneficial to the Working Capital Fund. In view, however, of the uncertainties involved in a possible adjustment of the normal pattern of payments, a change in the financial year could not be decided upon until agreement had been obtained from a sufficiently large group of Members whose contributions represent a major part of the annual assessment as to the time of payment of their contributions.

DOCUMENT A/2553

Twentieth report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[9 November 1953]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/2436) in accordance with resolution 692 (VII) of 18 December 1952, in which the General Assembly instructed the Secretary-General to prepare a report for circulation to Members "on the practical consequences of a change in the opening date of regular sessions from the third Tuesday in September to another date earlier or later in the year"

2. There are two main purposes which such a change might possibly accomplish:

(a) To reduce the risk of postponement of the General Assembly session;

(b) To reduce the risk of interruption of the session and the division of the work of the Assembly into two parts.

3. It is the view of the Secretary-General that to secure the above advantages (with due regard to other administrative considerations), a date should be chosen between the beginning of the year and early summer. With this view the Advisory Committee is in agreement. It emphasizes, however, that the risks referred to in paragraph 2 above would be reduced but not eliminated by such a change in the opening date.

4. The Secretary-General has further suggested 20 April as an opening date for the purpose of illustrating the practical consequences of a change. This appears to the Committee the earliest convenient date within the first half of the year.

5. It should, however, be noted that the Secretary-General makes no proposal for a change in the opening date. Furthermore, the Advisory Committee is informed

that no delegation has presented any such proposal or suggestion during the current year.

6. For its part, the Advisory Committee does not recommend a change. In the first place, it takes account of the fact that, in a majority of Member States, the ten-week period running from 20 April is normally a period of parliamentary activity exceeding in importance and intensity the ten weeks from the middle of September to the end of November. For this reason, no action should be taken such as would enhance the difficulties already confronting Members in the matter of high-level representation at Assembly sessions. This is a question of cardinal importance to the United Nations, outweighing the possible advantages to be derived in other respects from a change in date.

7. In the second place, the period in question would cover three major Assemblies: United Nations (April—July), World Health Organization (May), International Labour Organisation (June). Apart from other disadvantages that are cited by the Secretary-General (A/2436, paragraph 10), this circumstance might cause inconvenience to treasuries and other government departments.

8. Thirdly, a large-scale readjustment of the conference programme would be called for. This offers serious disadvantages both to the United Nations and the specialized agencies, and runs counter to the express intent of the General Assembly, which emphasized the necessity of firmly fixing a long-term pattern of conferences during the four-year period 1954 to 1957.

9. Fourthly, account must be taken of the effect which a change in the opening date from September to April would produce on the financial arrangements of the

United Nations. The report of the Secretary-General contains, in paragraphs 15 to 25, a useful review of the consequences, predicated respectively on (a) the maintenance of the existing financial year (1 January—31 December), and (b) a change in the financial year to 1 July—30 June. Attention is drawn to the serious drawbacks or risks which the Secretary-General foresees in either eventuality.

10. The review in question may be summarized as follows :

OPENING DATE OF THE GENERAL ASSEMBLY SESSION : 20 APRIL

(a) Existing financial year : 1 January—31 December

(1) Budget-making would start fifteen months before the opening of the financial year ;

(ii) The budget would be adopted six months before the opening of the financial year ;

(iii) Supplementary estimates would be based on only three to four months' experience ; they could not be an accurate reflection of requirements for the full year ;

(iv) Heavier calls would be made on the Working Capital Fund because of the difficulty (referred to in (iii) above) of submitting supplementary estimates, and because increased expenditure on account of the General Assembly session would be incurred during the first six months of the year ;

(v) While the general situation in respect of contributions would not be changed, the interval between the adoption of the appropriation resolution and the opening of the next financial year (approximately six months) would enable notices of assessment to be issued early enough for 1 January to become the due date of payment.

(b) Change in the financial year to 1 July—30 June

(i) The intervals between the preparation and adoption of the budget, on the one hand, and the opening of the financial year, on the other, would remain unchanged ;

(ii) As regards contributions, extensive repercussions, the nature of which cannot be precisely foreseen, are likely in so far as the dates of receipt are concerned. Some Member States might be obliged to divide their contributions between two successive budgets. Advantages might, on the other hand, result in the case of Members whose financial year is also 1 July—30 June, and who would thus be in a position to pay their contributions during the first months of the financial year, with a corresponding alleviation of the Working Capital Fund.

11. On the subject of a possible change in the financial year of the United Nations, the Secretary-General suggests that such a step could not be decided upon until agreement concerning the date of payment of contributions had been obtained from a sufficiently large group of Members whose contributions represent a major part of the annual assessment. In the opinion of the Advisory Committee, consideration should also be given to the position of the specialized agencies, which have a fiscal year uniform with that of the United Nations. This uniformity has advisedly been pursued as an element in budgetary co-ordination that makes for comparability. On that basis, the Assembly of one agency took formal action in 1948 to bring its fiscal year into conformity with that of the United Nations and other specialized agencies. It cannot therefore be to the general interest for the United Nations to deviate from that principle.

12. For the reasons stated in the present report the Advisory Committee recommends that the existing provision concerning the opening date of the General Assembly session should be maintained. The Committee, however, suggests, though without making a firm recommendation, that a deferment of the opening date, possibly by two weeks, until the first Tuesday in October might be considered, in order to afford more time for preparatory work for the session, and, in particular, for the drafting and printing of the annual report of the Economic and Social Council.

DOCUMENT A/2620

Report of the Fifth Committee

[Original text : English]
[8 December 1953]

1. By resolution 692 (VII) adopted on 18 December 1952, the General Assembly decided (a) to instruct the Secretary-General to prepare a report on the practical consequences of a change in the opening date of regular sessions of the General Assembly from the third Tuesday in September to another date earlier or later in the year ; and (b) to include in the provisional agenda of its eighth session an item entitled "Question of a change in the opening date of regular sessions of the General Assembly".

2. The General Assembly decided, at its 435th plenary meeting on 17 September 1953, to allocate the item to the Fifth Committee for consideration and report. As a basis for its review of the question, the Fifth Committee had before it a report of the Secretary-General (A/2436), together with the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions as contained in its twentieth report to the eighth session of the General Assembly (A/2553). These reports were considered by the Fifth Committee at its 405th meeting on 16 November 1953.

3. At the outset of its deliberations, the Committee took note of the fact that the Secretary-General had made no proposal for a change in the opening date, nor had any

delegation presented any such proposal or suggestion during the current year. It noted also that, for the reasons stated in its report, the Advisory Committee recommended that the existing provision concerning the opening date of regular sessions of the Assembly should be maintained. The Advisory Committee, however, suggested in its report, although without making a firm recommendation, that a deferment of the opening date, possibly for two weeks, until the first Tuesday in October might be considered, in order to afford more time for preparatory work for the session and, in particular, for the drafting and printing of the annual report of the Economic and Social Council.

4. In the course of the discussion of this matter in the Fifth Committee, a number of delegations expressed support of the Advisory Committee's suggestion that regular sessions of the General Assembly should not open until the first Tuesday in October on the understanding, however, that this would be on an experimental basis for 1954 and that it would not involve a change, at least for the time being, in the existing rules of procedure. Other delegations, while recognizing the advantages of affording rather more time for completion of preparatory work, considered that these would be outweighed by the risk

of a split session. The desirability of completing the session in time to allow delegations to return home for Christmas was particularly stressed.

5. It was the opinion of some delegations that it should not be unduly difficult for the General Assembly to complete its work between the first Tuesday in October and the middle of December, thus allowing for a session of ten weeks. This would be especially so if delegations were to be furnished with better documentation and furnished with such documentation in good time. It was suggested, moreover, that deferment of the opening date by two weeks would tend to facilitate the attendance of important government leaders. In the view of these delegations, there was no valid reason for assuming that sessions of the Assembly should necessarily last three months; if delegations exercised adequate self-discipline it should be feasible to begin sessions early in October and to adjourn in sufficient time to enable representatives to return home before Christmas. Indeed, a slightly later opening date might prove in itself an effective means of ensuring that the duration of ordinary sessions was not unnecessarily prolonged.

6. Still other delegations argued that, even if regular sessions were to open at a somewhat later date, delegations would not necessarily be in possession of all relevant documentation, nor were there valid grounds for believing that Main Committees would begin their work immediately or that they would work more efficiently and expeditiously. No valid conclusions, moreover, could be drawn from an experiment which would be based on the experience of one session only. Indeed, the Assembly had experimented frequently in the past and should now make a serious effort to adhere strictly to its own rules of procedure.

7. The representatives of New Zealand and Australia stated that a session commencing in April would have many advantages from the point of view of their respective Governments and would make it possible for those countries to pay their contributions earlier in the financial year. They would not, however, wish to press the point although desiring to emphasize that the diffi-

culties mentioned in the report of the Secretary-General and of the Advisory Committee were by no means insurmountable.

8. The representative of Iraq proposed that the opening date of the ninth session should be deferred until the fourth Tuesday in September.

9. The representative of Cuba having formally proposed that the opening date of the ninth session should be deferred until the first Tuesday in October on an experimental basis, this proposal was put to the vote first and was rejected by 25 votes to 14, with 8 abstentions. The proposal of Iraq was also rejected by 24 votes to 19, with 4 abstentions. The recommendation of the Advisory Committee that the existing provision concerning the opening date of the General Assembly should be maintained was then approved by 47 votes to none, with one abstention.

Recommendation of the Fifth Committee

10. In consequence of the foregoing decisions, the Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

QUESTION OF A CHANGE IN THE OPENING DATE OF REGULAR SESSIONS OF THE GENERAL ASSEMBLY

The General Assembly,

Noting the report of the Secretary-General concerning the question of a change in the opening date of regular sessions of the General Assembly (A/2436);

Noting also the observations of the Advisory Committee on Administrative and Budgetary Questions as contained in its twentieth report to the eighth session of the General Assembly (A/2553);

Concurs in the recommendation of the Advisory Committee on Administrative and Budgetary Questions that the existing provision in the rules of procedure concerning the opening date of the General Assembly sessions should be maintained.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting on 9 December 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 783 (VIII).

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ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

JUN 16 1954

Agenda item 53: Report of the International Law Commission on the work of its fifth session

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DOCUMENT A/C.6/L.311

Cuba: draft resolution

[Original text: Spanish]
[2 November 1953]

The General Assembly,

Considering that it is desirable for the maintenance and development of peaceful relations between States that the principles of international law governing State responsibility be codified,

Noting that the International Law Commission at its first session included the topic "State responsibility" in

its provisional list of topics of international law selected for codification,

Requests the International Law Commission, as soon as it considers it possible, to undertake the codification of the principles of international law governing State responsibility and to include it among topics to which it accords priority.

DOCUMENT A/C.6/L.315**Sweden : draft resolution**[Original text : French]
[12 November 1953]*The General Assembly,*

Considering that chapter II of the report of the International Law Commission covering the work of its fifth session (A/2456) makes a substantial contribution to the development of arbitral procedure,

Considering that, having regard to the importance of the topic, the Governments of Member States should have an opportunity of making known their views on that

chapter of the report in the light of the discussion which has taken place at the current session,

1. Invites the Governments of Member States to submit their observations on the contents of the said chapter ;

2. Requests the Secretary-General to transmit to the Governments of Member States the observations received in response to this resolution and to include the question in the provisional agenda of the ninth session.

DOCUMENT A/C.6/L.316**Argentina, Egypt, France, India and Syria : draft resolution**[Original text : Spanish]
[13 November 1953]*The General Assembly,*

1. Notes the final draft on arbitral procedure prepared by the International Law Commission at its fifth session (A/2456, chap. II) ;

2. Decides to transmit to Member States the final draft on arbitral procedure prepared by the International Law Commission together with the observations made thereon

in the Sixth Committee at the current session of the General Assembly with a view to the submission by governments of whatever comments they may deem appropriate, if possible, before 1 July 1955 ;

3. Requests the Secretary-General to circulate to Member States any comments he may receive and to include the question in the provisional agenda of the ninth session.

DOCUMENT A/C.6/L.317**Argentina, Canada, Chile, Egypt, France, India, Sweden and Syria : draft resolution**[Original text : English]
[13 November 1953]*The General Assembly,*

Noting the final draft on arbitral procedure prepared by the International Law Commission at its fifth session (A/2456, chap. II),

Considering that, having regard to the importance of the topic, the Governments of Member States should have an opportunity of making known their views on that draft on arbitral procedure in the light of the discussion which has taken place at the current session of the General Assembly,

1. Decides to transmit to Member States the draft on arbitral procedure prepared by the International Law Commission together with the observations made thereon in the Sixth Committee at the current session of the General Assembly with a view to the submission by governments of whatever comments they may deem appropriate, if possible, before 1 January 1955 ;

2. Requests the Secretary-General to circulate to Member States any comments he may receive and to include the question in the provisional agenda of the tenth session.

DOCUMENT A/C.6/L.318**Canada, Egypt, France, Syria and United Kingdom of Great Britain and Northern Ireland : draft resolution**[Original text : English]
[17 November 1953]*The General Assembly,*

Considering the importance of the subjects of the continental shelf and fisheries dealt with in sections II and III of chapter III of the report of the International Law Commission covering the work of its fifth session (A/2456), and

Desiring to give governments sufficient time to study the draft articles contained in those sections of the report and their implications,

Decides to postpone consideration of sections II and III of chapter III of the said report and to include these questions in the provisional agenda of the tenth session of the General Assembly.

DOCUMENT A/C.6/L.319**Panama : draft resolution**

[Original text: Spanish]
[17 November 1953]

The General Assembly,

Considering

(a) That the International Law Commission states that it has not yet concluded its study of the territorial sea (A/2456, para. 114),

(b) That the Commission requests the Sixth Committee to refrain, for that reason, from taking action with regard to the draft article which the report contains on the contiguous zone adjacent to the territorial sea (A/2456, para. 114),

(c) That the continental shelf or plateau includes the contiguous zone,

(d) That the high seas begin at the limit of the territorial waters,

Considering that the draft relating to the continental shelf makes no reference to certain countries situated outside the continental zone, and should expressly include them,

Considering that the Spanish translation of the drafts submitted is very defective,

Decides to request the International Law Commission to continue its study of all the drafts relating to the territorial sea and the régime of the high seas with a view to the close and harmonious co-ordination of those drafts and their inclusion in the agenda of the ninth session of the General Assembly.

DOCUMENT A/C.6/L.319/Rev.1**Panama : revised draft resolution**

[Original text: Spanish]
[25 November 1953]

The General Assembly,

Considering the report of the International Law Commission on the work of its fifth session (A/2456),

Decides to request the International Law Commission to continue its study of the drafts relating to the territorial sea and to the régime of the high seas with a view to the harmonious co-ordination of those drafts and their inclusion in the agenda of the tenth session of the General Assembly.

DOCUMENT A/C.6/L.324**Observations by the Chairman of the International Law Commission concerning chapter III of the Commission's report**

[Original text: French]
[23 November 1953]

1. The proposals of the delegations of Iceland (A/C.6/L.314) and Panama (A/C.6/L.319) suggest that discussion of the part of the report dealing with the continental shelf should be postponed until the International Law Commission's reports on the other questions relating to the high seas, and on the territorial sea, have been submitted to the General Assembly.

2. The idea of discussing all these subjects at the same time may at first sight seem attractive; they are indeed all interrelated, and there would be some advantage in not starting the discussion of any of them until the proposals relating to the others are known. Some delegations, however, including the United Kingdom and French delegations, quite rightly opposed this idea.

3. At its next session the International Law Commission will continue its discussion of the régime of the high seas and the régime of the territorial sea. Since the agenda is very heavy and since only eight weeks are available, it is very improbable that the study of these

topics can be completed at the next session. It will not be possible to complete the first reading of the drafts until the 1955 session, at the earliest. Consultation of governments will probably take two years, and the Commission will not be able to begin the second reading before 1957. Accordingly, the reports in question will not be submitted to the General Assembly until 1958, at the earliest.

4. Such a long postponement of the discussion concerning the continental shelf would not be desirable. Several States are now considering the advisability of unilateral legislation to regulate their rights in the continental shelf. It is to be expected that all these regulations will display considerable divergencies, and when once these divergent rules have been introduced into the legislation of States it will be more difficult to reach agreement on a generally accepted body of regulations. The International Law Commission is therefore of the opinion that a prompt solution of this problem is necessary.

5. The International Law Commission replied in the affirmative to the question whether the continental shelf could be discussed apart from the question relating to the high seas and the territorial sea. This point of view was shared by the great majority of States which replied to the questionnaire.

6. The controversies on the subject of the territorial sea relate above all to its width. The limits of the territorial sea are variously regarded as ranging from three and twelve miles. So far as the continental shelf is concerned, which may cover areas extending for hundreds of miles, these differences of view are of no real importance. One might well discuss the principles of the régime of the continental shelf while leaving the question of the width of the territorial sea provisionally in suspense.

7. So far as the régime of the high seas is concerned, it would also not appear to be necessary to delay discussion of the continental shelf until the report of the International Law Commission is available on the subjects still awaiting consideration, that is to say collision, the law of the flag, the right of pursuit, etc.

8. It is true that there are connexions between the question of fisheries, which the five-Power draft resolution (A/C.6/L.318) proposes should be discussed at the same time as the question of the continental shelf, and the question of the contiguous zones, and that the International Law Commission would like to link the question of fisheries with the question of the territorial sea. These connexions, however, are not of such importance as to rule out the discussion of fisheries in general until the problem of contiguous zones has been settled.

9. For these reasons it does not seem necessary to postpone the discussion of sections II and III of chapter III until the Commission's reports on the territorial sea and all the questions relating to the high seas have been submitted.

10. The International Law Commission had hoped that consideration of the question of the continental shelf

might be begun at the current session of the General Assembly, or at least at the next session. After the Sixth Committee's decision on arbitral procedure, it is very clear that a postponement of two years will have to be expected for this question also.

11. Another observation which I should like to make on the Panamanian draft resolution (A/C.6/L.319) relates to the paragraph of the preamble which reads: "Considering that the draft relating to the continental shelf makes no reference to certain countries situated outside the continental zone, and should expressly include them." The implications of this paragraph are not clear. If the Panamanian delegation means that some States will be able to exploit the subsoil under the sea off their coasts and that others will be unable to do so, that is true, though the reason is not that the International Law Commission has introduced any improper discrimination, but that in the latter case the subsoil, being at very great depth, is technically unexploitable. That is a fact which the International Law Commission cannot change. So far as the sea situated above these shelves is concerned, there is complete equality: no State can exercise special rights therein. The régime adopted by the Commission allows the coastal State to exploit the subsoil off its coasts wherever that subsoil is today—and will probably remain for a long time to come—technically exploitable. In this respect there is no difference between the original proposal, establishing the limit of the technical possibilities of exploitation, and the new text, recognizing a limit of two hundred metres in depth.

12. My last observation concerns the draft resolution submitted by the Cuban delegation (A/C.6/L.311) in which the International Law Commission is requested to undertake, as soon as it considers it possible, the codification of the law governing State responsibility. The International Law Commission doubts whether, after the failure of 1930, the codification of this topic could be started with a reasonable chance of success. Perhaps the Cuban delegation would be prepared to replace the words "as soon as it considers it possible" by "as soon as it considers it advisable".

DOCUMENT A/C.6/L.325

United States of America: amendment to the draft resolution submitted by Canada, Egypt, France, Syria and United Kingdom (A/C.6/L.318)

[Original text: English]
[25 November 1953]

Amend the operative paragraph to read as follows:

"Decides to postpone consideration of sections II and III of chapter III of the said report and to include section II of chapter III of the report concerning the continental shelf in the provisional agenda of the ninth session of the General Assembly and section III of chapter III of the report concerning fisheries in the provisional agenda of the tenth session of the General Assembly."

DOCUMENT A/2589

Report of the Sixth Committee

[Original text: English]

[1 December 1953]

1. The General Assembly, at its 435th plenary meeting, held on 17 September 1953, decided to include in the agenda of its eighth session the item "Report of the International Law Commission on the work of its fifth session" and to refer it to the Sixth Committee for consideration.

2. The Sixth Committee considered the item at its 381st to 389th meetings from 5 to 18 November and at its 392nd to 394th meetings on 25 and 28 November 1953.

3. The Committee dealt consecutively with those parts of the report of the International Law Commission (A/2456) upon which action on the part of the General Assembly had been recommended by the Commission, namely, chapter II, on arbitral procedure, and chapter III, on the régime of the high seas. In addition, the Committee considered a draft resolution submitted by Cuba (A/C.6/L.311) to request the International Law Commission to undertake the codification of principles of international law governing State responsibility. The proceedings on these three subjects are briefly related in sections I to III below.

4. Draft resolutions recommended by the Sixth Committee for adoption by the General Assembly are contained in section IV of the present report.

I. ARBITRAL PROCEDURE

5. In chapter II of its report (A/2456) the International Law Commission submitted, with commentary, a draft convention on arbitral procedure and, in accordance with paragraph 1 (c) of article 23 of its Statute, recommended (para. 55) that the General Assembly "recommend the draft to Members with a view to the conclusion of a convention".

6. The Sixth Committee considered this subject at its 382nd to 389th meetings from 9 to 18 November 1953. The Chairman of the International Law Commission, Professor J. P. A. François, attended these meetings and made statements in clarification of the Commission's report.

7. While some representatives expressed general approval of the draft convention submitted by the Commission, others took exception to certain of its provisions which they characterized as innovations departing from the traditional concept of international arbitral procedure. Many of the members of the Committee stated that, as the report of the Commission had been circulated only recently, their governments had not had sufficient time to give it the careful study which it deserved and were therefore not prepared, at the present session, to take up a definite position as to the disposal of the draft convention. The draft convention, in their view, should be referred to governments for comment and be considered at the tenth session of the General Assembly. One representative, who considered that the draft convention had the effect of altering universally recognized principles of international law, declared, however, that it was premature to decide to place the draft on the agenda of the tenth session of the Assembly. It would be better, he said, to postpone a decision until governments had submitted their comments.

8. The Sixth Committee had before it a draft resolution submitted by Sweden (A/C.6/L.315) and a joint draft

resolution presented by Argentina, Egypt, France, India and Syria (A/C.6/L.316), both of which, although differing in details, called for postponement of consideration of the draft convention and its submission to governments for comment.

9. These two draft resolutions were subsequently withdrawn by their sponsors in favour of another joint draft resolution submitted by Argentina, Canada, Chile, Egypt, France, India, Sweden and Syria (A/C.6/L.317). According to this draft resolution, the General Assembly, "noting the final draft on arbitral procedure prepared by the International Law Commission at its fifth session", would decide to transmit to Member States the said draft "together with the observations made thereon in the Sixth Committee at the current session of the General Assembly with a view to the submission by governments of whatever comments they may deem appropriate, if possible, before 1 January 1955". The General Assembly would also request the Secretary-General "to circulate to Member States any comments he may receive and to include the question in the provisional agenda of the tenth session".

10. In the course of the discussion on the last-mentioned joint draft resolution, two oral amendments were proposed to it:

(a) An amendment by the representative of the Philippines to delete from the first paragraph of the preamble (quoted in paragraph 9 above) the word "final"; and

(b) An amendment by the representative of Cuba to add the following text as a new second paragraph in the preamble: "Considering that the said draft includes certain important elements with respect to the progressive development of international law on arbitral procedure".

11. At its 388th meeting, on 17 November 1953, the Sixth Committee proceeded to vote on the joint draft resolution (A/C.6/L.317) in parts and on the oral amendments thereto, with the following results:

(a) The amendment by the Philippines to delete from the first paragraph of the preamble the word "final" was adopted by 23 votes to 13, which 10 abstentions.

(b) The first paragraph of the preamble, as amended, was adopted by 50 votes to none, with one abstention.

(c) The amendment by Cuba to add a new second paragraph to the preamble was adopted by a roll-call vote of 35 to 8, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Australia, Bolivia, Burma, Canada, Chile, China, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, France, Greece, Guatemala, Iceland, Indonesia, Israel, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Brazil, Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen.

Abstaining: Argentina, Belgium, Egypt, India, Iraq, Peru, Saudi Arabia.

(d) The last (third) paragraph of the preamble was adopted by 48 votes to none, with 2 abstentions.

(e) Operative paragraph 1 was adopted by 48 votes to none, with 3 abstentions.

(f) Operative paragraph 2 was adopted by 43 votes to 5, with 3 abstentions.

(g) The joint draft resolution as a whole, as amended, was adopted by 42 votes to none, with 9 abstentions.

12. The Sixth Committee therefore recommends to the General Assembly the adoption of draft resolution I contained in section IV of the present report.

II. RÉGIME OF THE HIGH SEAS

13. Chapter III of the report of the International Law Commission dealt with the régime of the high seas and contained draft articles, approved by the Commission, on the continental shelf, on fisheries and on the contiguous zone. In accordance with paragraph 1 (b) of article 23 of its Statute, the Commission recommended (para. 91) that the General Assembly should adopt by resolution that part of its report devoted to the subject of the continental shelf, namely, section II of chapter III, and the "draft articles on the continental shelf" contained therein. The Commission also recommended (para. 102) that the General Assembly should adopt by resolution that part of its report devoted to the subject of fisheries, namely, section III of chapter III, and the "draft articles covering the basic aspects of the international regulation of fisheries" contained therein. It further recommended (para. 102) that the General Assembly should enter into consultation with the United Nations Food and Agriculture Organization with a view to the preparation of a draft convention incorporating the principles of these draft articles on fisheries. As yet another part of its work on the régime of the high seas, the Commission submitted, in section IV of chapter III of its report, a single draft article on the contiguous zone but, as it had not yet adopted draft articles on the territorial sea, the Commission, in accordance with paragraph 1 (a) of article 23 of its Statute, recommended (para. 114) that the General Assembly should take no action in regard to it, "since the present report is already published".

14. The Sixth Committee considered the subject of the régime of the high seas at its 389th meeting on 18 November and at the 392nd and 393rd meetings on 25 November 1953. The Chairman of the International Law Commission, Professor J. P. A. François, attended the first of these meetings and submitted a written statement of his views on the subject (A/C.6/L.324) to the Committee.

15. At the outset of its discussion, the Sixth Committee had before it three draft resolutions. A draft resolution submitted by Iceland (A/C.6/L.314) proposed, *inter alia*, that the General Assembly, having regard to the fact that the problems relating to the high seas, territorial water, contiguous zones, the continental shelf and the superjacent waters were closely linked together juridically as well as physically, should decide not to deal with any aspect of the régime of the high seas or the régime of territorial waters until all the problems involved had been studied by the International Law Commission and reported upon by it to the General Assembly.

16. A draft resolution submitted jointly by Canada, Egypt, France, Syria and the United Kingdom (A/C.6/L.318) envisaged, in substance, that the General Assembly, desiring to give governments sufficient time to study the draft articles on the continental shelf and those on fisheries, and their implications, would decide to postpone consideration of the parts of the report of the International Law Commission dealing with those subjects and to include them in the provisional agenda of the tenth session of the General Assembly.

17. To this last-mentioned draft resolution, the United States of America proposed an amendment (A/C.6/L.325), envisaging the inclusion in the provisional agenda of the ninth session of the General Assembly of the subject of the continental shelf and the inclusion in the agenda of the tenth session of the subject of fisheries.

18. A draft resolution was submitted by Panama (A/C.6/L.319). This was later superseded by a revised text (A/C.6/L.319/Rev.1), according to which the General Assembly would request the International Law Commission "to continue its study of the drafts relating to the territorial sea and to the régime of the high seas with a view to the harmonious co-ordination of these drafts and their inclusion in the agenda of the tenth session of the General Assembly".

19. Although several representatives referred to the substance of the report of the International Law Commission and some criticisms were advanced in regard to certain of the draft articles prepared by the Commission, discussions in the Sixth Committee largely concerned the procedural question underlying the aforementioned draft resolutions.

20. Some members of the Committee who were in favour of the draft resolution submitted by Iceland (A/C.6/L.314) urged that the régime of the high seas and that of the territorial sea were closely related and should be considered together. Furthermore, the draft articles on the continental shelf and those on fisheries could not be studied before certain aspects of the régime of the high seas—such as the contiguous zone—and of the régime of the territorial sea—such as the delimitation of that sea—were settled. The revised draft resolution submitted by Panama was also based largely upon this premise.

21. Some other representatives shared the opinion of the International Law Commission that the subjects of the continental shelf and fisheries were susceptible of independent solution. It was conceded, however, that governments should be given more time to study the two drafts submitted by the Commission and, hence, some members expressed themselves in favour of the five-Power draft resolution (A/C.6/L.318).

22. Some representatives, while in principle in favour of postponing consideration of the two subjects, considered that the question of the continental shelf was one of urgency and that its solution should not be too long delayed. As stated by the Chairman of the Commission, a number of States were already considering unilateral legislation to regulate their rights in the continental shelf. Such unilateral legislations were expected to display considerable divergencies and, once they were enacted, it would be more difficult to reach agreement among States on a generally accepted body of rules. For this reason, the representatives in question supported the United States amendment (A/C.6/L.325) to defer consideration of the draft articles on the continental shelf until the ninth, instead of the tenth, session of the General Assembly.

23. The Sixth Committee proceeded to vote upon the various draft resolutions and the amendment before it at its 393rd meeting, on 25 November 1953. As the Iceland draft resolution (A/C.6/L.314) had been submitted first, it was put to the vote first, by roll-call. It was adopted by 19 votes to 14, with 18 abstentions. The voting was as follows:

In favour: Argentina, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Denmark, El Salvador, Guatemala, Honduras, Iceland, Iraq, Liberia, Luxembourg, Norway, Poland, Saudi Arabia, Sweden, Ukrainian

Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay.

Against: Australia, Belgium, Brazil, Canada, Ecuador, France, Greece, Israel, Netherlands, New Zealand, Pakistan, Panama, Philippines, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Afghanistan, Burma, Chile, China, Egypt, Ethiopia, India, Indonesia, Iran, Mexico, Nicaragua, Peru, Syria, Thailand, Turkey, United States of America, Venezuela, Yugoslavia.

24. In view of the adoption of the draft resolution submitted by Iceland, the Sixth Committee did not vote on the draft resolution submitted jointly by Canada, Egypt, France, Syria and the United Kingdom (A/C.6/L.318) or on the United States amendment (A/C.6/L.325) thereto; nor was a vote taken on the revised draft resolution submitted by Panama (A/C.6/L.319/Rev.1).

25. The Sixth Committee therefore recommends to the General Assembly the adoption of draft resolution II contained in section IV of the present report.

III. PROPOSAL TO REQUEST THE INTERNATIONAL LAW COMMISSION TO UNDERTAKE THE CODIFICATION OF THE TOPIC "STATE RESPONSIBILITY"

26. The Sixth Committee next considered, at its 393rd and 394th meetings, on 25 and 28 November 1953, a draft resolution submitted by Cuba (A/C.6/L.311), calling for the codification of the topic "State responsibility".

27. The draft resolution provided, in its operative part, that the General Assembly should "request the International Law Commission, as soon as it considers it possible, to undertake the codification of the principles of international law governing State responsibility and to include it among topics to which it accords priority".

28. In explaining the draft resolution, the representative of Cuba pointed out that "State responsibility" was one of the fourteen topics of international law which the International Law Commission, at its first session in 1949, had provisionally selected for codification.¹ In his view, the topic was now ripe for codification. Decisions of arbitral courts and claims commissions and those of the Permanent Court of International Justice and the International Court of Justice had established a number of general principles of international law on that subject. Many disputes between States arose out of claims based on real or alleged infringements of international obligations involving the responsibility of the State. A systematic formulation of the relevant principles would effectively facilitate the establishment of peaceful and friendly relations between States. The representative of Cuba added that the adoption of his draft resolution would in no way compel the International Law Commission to undertake such codification immediately.

29. A procedural question arose whether the Cuban proposal was germane to the item of the agenda under consideration. Some representatives urged that its purport lay beyond the scope of the report of the International Law Commission and that it could not therefore be considered by the Sixth Committee without having been first included in the agenda of the General Assembly.

30. In reply to this procedural objection, it was pointed out that the report of the Commission (A/2456), in sections II and III of chapter V, set forth the Commission's decisions concerning the programme of its work of codification. The Cuban proposal was related to those

decisions and was, therefore, relevant to the discussion of the said report. Furthermore, it was argued that the General Assembly had, at its fourth session, adopted resolution 374 (IV) of 6 December 1949, recommending to the International Law Commission that it should include the topic of the régime of territorial waters in its list of priorities, even though the question of territorial waters had not been a separate item in the agenda of that session of the General Assembly.

31. The Sixth Committee took a vote upon this prior question of procedure. By 16 votes to 5, with 24 abstentions, it decided to consider the draft resolution submitted by Cuba (A/C.6/L.311).

32. In the course of the consideration of the draft resolution, the representative of Cuba accepted two amendments to the operative paragraph (see para. 27 above).

(a) The first amendment was to substitute for the word "possible" the word "advisable".

(b) The second amendment was to delete the words "and to include it among topics to which it accords priority".

Thus revised, the paragraph would merely request the International Law Commission "as soon as it considers it advisable, to undertake the codification of the principles of international law governing State responsibility". The purpose of the amendments was to allow the Commission full freedom in deciding when codification of the topic "State responsibility" would be advisable.

33. At its 394th meeting on 28 November 1953, the Sixth Committee adopted the draft resolution, as amended, by 30 votes to none, with 16 abstentions.

34. The Sixth Committee therefore recommends to the General Assembly the adoption of draft resolution III contained in section IV of the present report.

Recommendations of the Sixth Committee

35. The Sixth Committee recommends to the General Assembly the adoption of the three following draft resolutions:

I

ARBITRAL PROCEDURE

The General Assembly,

Noting the draft on arbitral procedure prepared by the International Law Commission at its fifth session (A/2456, chap. II),

Considering that the said draft includes certain important elements with respect to the progressive development of international law on arbitral procedure,

Considering that, having regard to the importance of the topic, the governments of Member States should have an opportunity of making known their views on that draft on arbitral procedure in the light of the discussion which has taken place at the current session of the General Assembly,

1. *Decides* to transmit to Member States the draft on arbitral procedure prepared by the International Law Commission, together with the observations made thereon in the Sixth Committee at the current session of the General Assembly, with a view to the submission by governments of whatever comments they may deem appropriate, if possible, before 1 January 1955;

2. *Requests* the Secretary-General to circulate to Member States any comments he may receive and to include the question in the provisional agenda of the tenth session of the General Assembly.

¹ See *Official Records of the General Assembly, Fourth Session, Supplement No. 10*, para. 16.

II

RÉGIME OF THE HIGH SEAS

The General Assembly,

Considering that at its fourth session the General Assembly recommended that the International Law Commission study simultaneously the régime of the high seas and the régime of territorial waters,

Having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters are closely linked together juridically as well as physically,

Decides not to deal with any aspect of the régime of the high seas or of the régime of territorial waters until all the problems involved have been studied by the International Law Commission and reported upon by it to the General Assembly.

III

REQUEST FOR THE CODIFICATION OF THE PRINCIPLES OF INTERNATIONAL LAW GOVERNING STATE RESPONSIBILITY

The General Assembly,

Considering that it is desirable for the maintenance and development of peaceful relations between States that the principles of international law governing State responsibility be codified,

Noting that the International Law Commission at its first session included the topic "State responsibility" in its provisional list of topics of international law selected for codification,

Requests the International Law Commission, as soon as it considers it advisable, to undertake the codification of the principles of international law governing State responsibility.

DOCUMENT A/L.170

Netherlands: amendments to draft resolution II submitted by the Sixth Committee (A/2589)

[Original text: English]
[1 December 1953]

1. Amend the first paragraph of the preamble to read as follows:

"*Bearing in mind* its resolution 374 (IV) adopted at its fourth session on 6 December 1949,"

2. Amend the second paragraph of the preamble to read as follows:

"*Considering* that the International Law Commission is in the course of studying certain aspects of the régime of the high seas and of the régime of the territorial sea,"

3. Add the two following paragraphs after the second paragraph of the preamble:

"*Considering* the importance of the subjects of the continental shelf and fisheries dealt with in sections II

and III of chapter III of the report of the International Law Commission covering the work of its fifth session (A/2456),

"*Desiring* to give governments sufficient time to study the draft articles on these subjects contained in the said report of the International Law Commission, and their implications,"

4. In the operative paragraph, replace the words: "until all the problems involved have been studied by the International Law Commission and reported upon by it to the General Assembly" by the following: "until the tenth session of the General Assembly and to include the subject matters of sections II and III of chapter III of the said report in the provisional agenda of that session".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 468th plenary meeting, on 7 December 1953, the General Assembly adopted draft resolutions I, II and III submitted by the Sixth Committee (pp. 7 and 8 of this fascicule). For the final texts, see resolutions 797 (VIII), 798 (VIII), 799 (VIII) respectively.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2163	Report of the International Law Commission covering the work of its fourth session, 4 June-8 August 1952		Official records of the General Assembly, Seventh Session, Supplement No. 9.
A/2456	Report of the International Law Commission covering the work of its fifth session, 1 June-14 August 1953		Official records of the General Assembly, Eighth Session, Supplement No. 9.
A/2589	Report of the Sixth Committee	5	
A/C.6/L.311	Cuba: draft resolution	1	
A/C.6/L.314	Iceland: draft resolution		Adopted without change. See A/2589, para. 35, draft resolution II.

Document No.	Title	Page	Observations and references
A/C.6/L.315	Sweden: draft resolution	2	
A/C.6/L.316	Argentina, Egypt, France, India and Syria: draft resolution	2	
A/C.6/L.317	Argentina, Canada, Chile, Egypt, France, India, Sweden and Syria: draft resolution	2	
A/C.6/L.318	Canada, Egypt, France, Syria and United Kingdom of Great Britain and Northern Ireland: draft resolution ...	2	
A/C.6/L.319	Panama: draft resolution	3	
A/C.6/L.319/Rev.1	Panama: revised draft resolution	3	
A/C.6/L.320	Statement made by Mr. J. P. A. François, Chairman of the International Law Commission, at the 387th meeting of the Sixth Committee, held on 19 November 1953		Mimeographed document only. Summarized in the summary record of the 387th meeting, paras. 18 to 29.
A/C.6/L.324	Observations by the Chairman of the International Law Commission concerning chapter III of the Commission's report ..	3	
A/C.6/L.325	United States of America: amendment to the draft resolution submitted by Canada, Egypt, France, Syria and United Kingdom (A/C.6/L.318)	4	
A/CN.4/L.40	Commentary on draft on arbitral procedure (prepared by the Secretariat)		Mimeographed document only.
A/L.170	Netherlands: amendments to draft resolution II submitted by the Sixth Committee (A/2589)	8	
A/RESOLUTION/163	Arbitral procedure: resolution adopted by the General Assembly at its 468th plenary meeting on 7 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 797 (VIII).
A/RESOLUTION/164	Régime of the high seas: resolution adopted by the General Assembly at its 468th plenary meeting on 7 December 1953		Ibid., resolution 798 (VIII).
A/RESOLUTION/165	Request for the codification of the principles of international law governing State responsibility: resolution adopted by the General Assembly at its 468th plenary meeting on 7 December 1953		Ibid., resolution 799 (VIII).



**Agenda item 54: Measures to limit the duration of regular sessions of the General Assembly: report
of the Special Committee**

C O N T E N T S

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A/2402	Report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly	2
Sixth Committee:		
A/C.6/L.292/Rev.1	Norway: revised draft resolution	7
A/C.6/L.293	Brazil and France: amendments to the draft resolution submitted by Norway (A/C.6/L.292)	9
A/C.6/L.295	United Kingdom of Great Britain and Northern Ireland: amendments to the revised draft resolution submitted by Norway (A/C.6/L.292/Rev.1)	9
A/C.6/L.296	Ecuador and Guatemala: amendments to the amendments submitted by Brazil and France (A/C.6/L.293)	10
Plenary meetings (final phase):		
A/2512 and Corr.1	Report of the Sixth Committee	10
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DOCUMENT A/2402

Report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly

[Original text: English]
[26 June 1953]

I. INTRODUCTION

1. At its 380th plenary meeting, held on 16 October 1952, the General Assembly decided to include in the agenda of the seventh session the item "Measures to limit the duration of regular sessions of the General Assembly". The memorandum¹ submitted on the subject by the Secretary-General for consideration by the governments of Member States was discussed at the 387th and 388th plenary meetings of the General Assembly, held on 23 and 24 October.

2. At its 388th plenary meeting the General Assembly decided to adjourn further consideration of this item and to instruct the Sixth Committee to consider and report on the amendments contained in the Annex to the memorandum and on any other amendments to the rules of procedure proposed by the members of the Sixth Committee;² at the same time, pursuant to rule 152 of the rules of procedure, the Fifth Committee was requested to report on the financial implications of paragraph 47 of the memorandum.³

3. At its 410th plenary meeting held on 21 December, the General Assembly, on the recommendation of the Sixth Committee, adopted resolution 689 (VII). Under its terms, a Special Committee of fifteen members was established. The Special Committee was requested "to consider the Secretary-General's memorandum and any other relevant information communicated to it by Member States and to submit its recommendations to the General Assembly at its eighth session;". The Secretary-General, in turn, was requested "to transmit the Special Committee's report to Member States for comment and to include the item in the provisional agenda of the eighth session of the General Assembly".

4. The Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly held 13 meetings at the Headquarters of the United Nations, from 25 May to 22 June 1953; at the last meeting the Special Committee approved its report to the Assembly (8 votes in favour, 2 against with one abstention). The Members appointed by the General Assembly to the Special Committee were represented during the meetings as follows:⁴

Afghanistan: Mr. Mohammed Ismail Osman;
Australia: Mr. K. G. Brennan;
Chile: Mr. Alfonso Grez;
China: Mr. Chiping H. C. Kiang;
Czechoslovakia: Dr. Karel Petrzelka, Mr. J. Rybar;
El Salvador: Mr. Carlos Serrano García;
France: Mr. Pierre Ordonneau;

Iran: Mr. F. N. Kia;
Netherlands: Mr. H. Scheltema;
Norway: Mr. Erik Dons;
Philippines: Mr. Mauro Mendez;
Union of Soviet Socialist Republics: Mr. N. P. Emelyanov;
United Kingdom of Great Britain and Northern Ireland: Mr. F. A. Vallat;
United States of America: Mr. William O. Hall, Mr. Paul Taylor;
Uruguay: Mr. E. Rodríguez Fabregat, Mr. Darwin Bracco.

Mr. E. Rodríguez Fabregat (Uruguay) was elected Chairman, Mr. Karel Petrzelka (Czechoslovakia) was elected Vice-Chairman and Mr. Erik Dons (Norway) was elected Rapporteur.

5. Following a general debate, the Special Committee proceeded to a discussion of each section of the Secretary-General's memorandum, together with the comments and suggestions which had been submitted pursuant to paragraph 2 of General Assembly resolution 689 A (VII) by the Governments of Colombia, Belgium, the Dominican Republic, Guatemala, India, Iraq, Pakistan, Poland and Yugoslavia (A/AC.69/L.1, L.1/Add.1, 2, 3); the Special Committee also had before it a draft resolution submitted by Norway (A/AC.69/L.2). On the invitation of the Chairman, the representative of Iraq, who had expressed the desire to explain his Government's views, participated in the discussions which took place from the fourth to the seventh meetings of the Special Committee.

6. As a result of its deliberations and in compliance with the request of the General Assembly, the Special Committee has the honour to submit the observations and conclusions set forth below.

II. GENERAL

7. During the general debate on the documents which were before the Special Committee, statements were made ranging from broad agreement with the observations contained in the memorandum of the Secretary-General, to the doubt whether it was desirable in principle to attempt to limit the duration of regular sessions of the General Assembly. Some members feel that past experience clearly indicates that it is in the general interest for the Assembly to accept certain restrictions, and that this can be done, without prejudice to the fulfilment of its tasks, by the adoption of specific measures and practices such as have been proposed; others consider that the majority of the measures and practices suggested in the memorandum are unacceptable, running counter to the interests of the General Assembly and infringing the rights of individual Members; still others are of the opinion that the length of recent sessions is an indication of growth, reflecting the increasing influence of the Assembly in international life.

8. There is agreement among the members of the Special Committee that the best interests of the General

¹ See *Official Records of the General Assembly, Seventh Session Annexes*, Agenda item No. 50, page 2.

² *Ibid.*, page 14.

³ *Ibid.*, page 13.

⁴ At the first meeting, the representative of the Union of Soviet Socialist Republics proposed that the Special Committee should exclude the representative of the Government of China and invite the representative of the People's Republic of China. The Committee sustained a ruling by the Acting Chairman that the proposal was out of order, under paragraph 3 of General Assembly resolution 396 (V) of 14 December 1950 (10 votes in favour, 2 against).

Assembly, not the length of its sessions as such, must remain the overriding consideration in any study of measures designed to limit the duration of the regular sessions. It should be kept in mind that the Assembly has special characteristics which distinguish it from other more homogeneous parliamentary bodies; its processes are largely conditioned by the wide scope of its purposes and defined by the very nature of its composition. Furthermore, the question under review cannot be judged solely on technical grounds or on grounds of efficiency. The length of the regular sessions of the Assembly has been determined mainly by the complexity and number of the international problems which have been brought to its attention as the result of differences among the Members, and by the atmosphere of deep-seated international tension in which the Assembly's discussions have taken place.

9. It follows, therefore, that if the General Assembly of the United Nations is to fulfil the high responsibilities placed upon it by the Charter and if the peoples of the world are to look with increasing respect and confidence to that body as the highest forum of the international community, all questions relating to the manner in which it functions must be considered primarily from the standpoint of their effect on the General Assembly as a whole. In the opinion of the majority of the members of the Special Committee, the unnecessary lengthening of the regular sessions would detract from the stature of the Assembly in the eyes of the world.

10. At the same time, it is the consensus of opinion that considerations of a practical nature must also be taken into account. The excessive length of regular sessions in itself has disadvantages for the Assembly as well as for the Organization as a whole. The past tendency to prolong the General Assembly each year has made it difficult for governments to maintain the same delegations throughout an entire session. Members of national governments and parliaments cannot be expected to be absent from their duties at home beyond a reasonable period of time. On the other hand, the work of the Assembly would benefit by the direct participation of leading statesmen, in so far as possible, at every stage of the deliberations. The majority of the members of the Special Committee believe that a greater continuity in the composition of delegations would have a favourable effect on the work of the General Assembly, and that continuity might be more easily attained if the duration of the regular sessions were more strictly limited.

11. The duration of the regular sessions has an important bearing also on questions of expense and efficiency. The necessity for every reasonable economy is the concern of all; unnecessary expenditures and unfruitful procedures must be avoided. An unduly long session is not only a burden on the United Nations budget, but it increases the expenditures incurred by the individual Members.

12. The total programme of all the organs of the United Nations cannot but be affected by the length of the regular sessions. It is essential that sufficient time should be allowed for the implementation of the Assembly's recommendations as well as for the Councils and subsidiary organs to carry out their work. Lengthy Assembly sessions shorten the period available for those purposes with possible detriment to the execution of programmes.

13. The Special Committee acknowledges that these and other difficulties related to the duration of the regular sessions should not be resolved at the expense either of the effectiveness of the General Assembly or of the right of any representative freely to explain his government's attitude on the problems before the Assembly. It is felt, however, that the Assembly, through the co-operation of its members, can initiate or strengthen certain practices so as to expedite and simplify the conduct of business.

14. That objective, rather than the formulation of rigid measures or extensive amendments to the rules of procedure, has guided the Special Committee in the preparation of the present report.

III. AGENDA

15. The majority of the members of the Special Committee are in agreement with the observations contained in the memorandum of the Secretary-General relating to the agenda and to the responsibility of the General Assembly to determine what it can most usefully undertake within the practical limitations of the time and resources available to it during any given session. It is recognized, furthermore, that these limitations make it inevitable that some items must be given priority over others. At the same time, the Special Committee believes that the Assembly should plan the work of each session in such manner as to allow for the adequate consideration of all the items whose inclusion in the agenda has been approved.

16. The Special Committee believes that economy would result should the Assembly in future indicate clearly its intentions when drafting resolutions calling for the preparation of special or annual reports. Some previous resolutions have contained specific decisions that an item or the subject of a report should be placed on the provisional agenda of a subsequent session; others have called only for the submission of a report; yet others have requested that the question should be dealt with in a section of another report to be presented by an organ or by the Secretary-General.

17. It is evident that in some instances in the past, it was not the intention of the Assembly that the subject of a report should appear as an item in the agenda. In others, however, doubts existed on the point and an item covering such a report might have been included in the agenda when no action on the part of the Assembly was called for. The situation would be clarified if the practice were adopted of stating in the resolution whether it is intended that the report should be submitted to the General Assembly for consideration or to Members for their information. In the first case it would be included in the provisional agenda of the following session; in the second, it would not.

18. As regards, in particular, resolutions calling for the submission of annual reports, it is especially desirable to avoid any possible uncertainty as to whether or not the Secretary-General should include such reports each year in the provisional agenda.

19. Certain agenda items which recur from year to year do not necessarily require the attention of the Assembly at every session; during the seventh session, for example, with respect to at least three items it was decided that they should next appear on the agenda of the ninth session. This practice would no doubt help to relieve the agenda and it might result in an

appreciable saving of time. In the view of the majority of the members of the Special Committee it would be desirable, therefore, for the Assembly to specify, whenever practicable, that an item of this character should appear only on the agenda of alternate sessions or at longer intervals.

20. The Secretariat could be of considerable assistance to the Chairmen of the Main Committees in ensuring that the above-mentioned practices are observed. It would also be desirable to make full use of the services of the Secretariat with a view to achieving a wider degree of uniformity, precision and clarity in the drafting of Committee documents.

21. The Special Committee further suggests that the work of the Assembly might progress more smoothly and the deliberations in the Main Committees might follow a more regular pace if the closing date of the sessions were taken into account by the Chairmen at the outset. Informal time-tables for the completion of the items on a Committee's agenda, drawn up by the Chairman for his guidance early in the session, might be helpful in maintaining an even distribution of work throughout the entire period.

IV. REPORTS OF COUNCILS

22. The majority of the members of the Special Committee believe that consideration of the reports of the Economic and Social Council and the Trusteeship Council would be facilitated if the General Assembly were to encourage the Councils to continue the practice of indicating in their annual reports those matters on which they desire that the Assembly should take action. This trend, which should be strengthened, does not prejudice the right of the Assembly to debate any aspect of the reports, and it has the advantage of providing Members in advance with more precise information on what questions covered in the reports would be the subject of debate during a session of the General Assembly. It is, therefore, of particular interest that the reports of the Councils should be circulated to Members as much in advance of the opening of the sessions as the schedules of the Councils themselves permit.

23. A time-limit for the presentation of draft resolutions on matters contained in the reports would also be useful. The General Committee might recommend to the General Assembly that it should instruct the Chairmen of the Main Committees to which the reports are allocated that they should establish reasonably early time-limits for that purpose.

V. SCOPE OF PROPOSALS MADE IN COMMITTEES

24. It is the view of the majority of the members of the Special Committee that the past tendency in Main Committees to interpret too liberally the scope of the items referred to them has, on occasions, caused the range of subjects dealt with during a session to extend beyond the limits set by the agenda items as adopted. There have been cases in which debates have taken place and draft resolutions have been proposed on matters only remotely or indirectly related to the items under discussion.

25. A reasonable interpretation of the limitations implied by the agenda of a Main Committee, as agreed upon by the Assembly, should not restrict the freedom of a Committee to give full consideration to its items; it should, however, provide a clear frame of reference for the debates, and the right and obligation of Chair-

men to rule out of order extraneous remarks and proposals falling outside its bounds should be recognized.

VI. DEBATE IN COMMITTEES

26. The Special Committee discussed several suggestions submitted in connexion with the debates in Committees. Clearly, this is one of the most important areas in the proceedings of the General Assembly and proposals touching on it should be viewed with caution. Certain practices, however, have developed over the years which, in the opinion of the Special Committee, could profitably be re-examined. The tendency has grown in the Main Committees automatically to observe independent and succeeding stages with respect to each item on the agenda — a general debate on the item, followed by debates on specific proposals, further debates on amendments and still others under the right of reply and the explanation of vote. This formal segmentation often provokes duplication of speeches and increases, as well, the risk of engaging in protracted procedural discussions.

27. The mechanics of a Main Committee cannot be simplified or altered beyond a certain point, it is true, but greater flexibility in the procedure for considering items is desirable. In general, the discussion on the broad aspects of a subject should be combined with the consideration of specific proposals. Time would be saved if Members were to introduce draft resolutions and amendments as soon as practicable in order that the Committees might direct their attention at the earliest opportunity to the examination of specific texts. The work in Committees would also be accelerated if the items proposed for inclusion in the agenda were more frequently accompanied by a draft resolution in accordance with the provisions of rule 20 of the rules of procedure.

28. The Special Committee examined a proposal to approve a new rule, as follows: "When the discussion of any item is opened, the Chairman or any representative may propose that the debate should be confined to observations on draft resolutions or amendments thereto and that statements of a general character should only be allowed in so far as they pertain to the specific proposals under discussion". The majority of the members agree with the ideas contained in the proposal but do not feel that it is necessary to recommend the adoption of a specific rule to that effect. The objectives in view, however, might well serve as a guide to the Chairmen in the conduct of debate in Committees.

29. The Special Committee also considered the suggestion that representatives should be entitled to submit written statements instead of making oral explanations of vote. In this connexion, it was pointed out that explanations of vote frequently touch on the substance of the question under discussion and that, consequently, if these statements were made after rather than before the voting takes place, they might tend to conform more strictly to the intent of rules 88 and 127; if, in addition, they were submitted in writing, time would be gained during the sessions. The Special Committee concluded, however, that serious problems would arise regarding such questions as, for example, the relevance of remarks which had been submitted in writing and the exercise of the right of reply with respect to them; it was further felt that this procedure would entail considerable difficulties in the preparation and distribution of the records of meetings. In view of these considerations and inasmuch as some members

were opposed in principle to the suggestion, the Special Committee has not formulated recommendations to this effect.

30. On the other hand, the practice in plenary meetings of imposing a limitation on the time allowed for explanations of vote has produced good results. The majority of the members of the Special Committee believe that the Main Committees could profitably follow the same procedure.

VII. LIMITATION OF DEBATE

31. As was stated at the outset of the present report, the members of the Special Committee were inclined in general to suggest measures which would improve the methods and practices of the General Assembly rather than to recommend specific amendments to the rules of procedure. This approach was prompted by the conviction that the co-operation of Members in all matters relating to the work of the Assembly and the voluntary exercise of discipline and restraint in the observance of the existing rules of procedure could do more to further the aim of limiting the duration of regular sessions than the adoption of additional regulations to govern the proceedings.

32. While it may be unwise to amend the rules of procedure unless substantial reasons demand it, a common understanding as to their intention and the manner in which they should be applied is essential. This has not always existed in the past. Consequently, some rules have been used reluctantly whereas others have been repeatedly invoked without due regard to a strict interpretation of their provisions and in circumstances which it would be difficult to justify.

33. As regards rules 73 and 113, the Special Committee considered the proposal to replace the broad term "The General Assembly (the committee)" by the phrase "The President (Chairman) or any representative". The majority of the members agree that these rules would be used more freely if the text indicated clearly who might propose a motion thereunder. The majority are also of the opinion that explicit reference in rules 73 and 113 to the President and the Chairman would not confer any right which they do not already possess under rules 35 and 106; such a reference would, on the other hand, help to overcome a certain hesitancy regarding the application of those rules which the present wording appears to occasion. The same view prevailed in the Special Committee concerning the powers of the President and the Chairman when it considered similar modifications to rules 75 and 115 and 76 and 116.

34. The majority of the members of the Special Committee trust that the Assembly will endorse the understanding outlined above, namely, that the President (Chairman) as well as any representative may take the initiative under the rules in question at such times as may be appropriate.

35. Experience has demonstrated that there are substantial advantages in limiting the number of speakers on procedural motions which might otherwise themselves be the subject of protracted debates; in effect, such limitations obtain in rules 75 and 115, and 76 and 116. A similar limitation should be introduced in rules 73 and 113. The Special Committee recommends the adoption of an additional sentence in these rules as follows: "In addition to the proposer of a motion to that effect, two representatives may speak in favour

of, and two against, the motion, after which the motion shall be immediately put to the vote." (9 votes in favour, 6 against).

36. At the same time, it should be acknowledged that a Member which has requested the inclusion of an item in the agenda or which has presented a draft resolution on an item under discussion, has a particular interest in procedural motions affecting the consideration of that item. The Special Committee suggests that it would be reasonable to expect the President or the Chairman, within the framework of the rules of procedure, to include the representative of that Member among those speaking on such a motion, if he so desires.

37. Certain members of the Special Committee object in principle to the measures proposed in this and in the previous section of the present report because they believe that such measures would curtail the rights of Member States freely to express their views on items which appear on the agenda of the General Assembly.

VIII. LIST OF SPEAKERS

38. The Special Committee believes that the presiding officers of the General Assembly and of the Main Committees should urge the representatives to signify at their earliest convenience their desire to be placed on the list of speakers. Compliance with this request and readiness to speak in accordance with the order of the list would promote the orderly conduct of business in the Assembly and, particularly, in the Main Committees. This practice and the closure of the list as soon as is reasonably possible can lead to a measurable saving of time during the sessions.

IX. POINTS OF ORDER

39. In accordance with rules 35 and 106, the President of the General Assembly and the Chairmen of the Main Committees are responsible for ensuring the observance of the rules of procedure and, subject to the rules, have complete control of the proceedings. It should be understood that the presiding officers, in discharging this responsibility with regard to the application of a given rule, are guided by the purpose and the spirit of the rules as a whole.

40. The application of rules 72 and 112, which relate to points of order, has given rise to particular difficulties in the past. The Special Committee considered the proposal to amend these rules by the addition of the sentence: "A point of order may relate only to such questions as lie within the competence of the President (Chairman)." It concluded, however, that the difficulties which have arisen have been due primarily to the manner in which these rules have been applied rather than to the text of their provisions. A clarification of the term "point of order" and of the method of implementing the two rules would, however, contribute greatly to the development of more orderly debate.

41. A point of order is, basically, an intervention directed to the presiding officer requesting him to make use of some power inherent in his office or specifically given him under the rules of procedure. It may, for example, relate to the material conditions under which the meeting is taking place. It may be a request that the presiding officer should accord the speaker some privilege which it is in the officer's power to grant. Under

⁵ See annex.

a point of order, a representative may request the presiding officer to apply a certain rule of procedure or he may refer to the manner in which the presiding officer should apply a given rule, or the rules of procedure as a whole.

42. Rules 72 and 112 properly require the President or Chairman immediately to decide on points of order without debate. The clear implication of this provision is that a point of order must relate to a question which lies within the competence of the presiding officer to dispose of, either by means of his own ruling or, in his discretion, by referring the question at issue to the judgment of the body as a whole. Matters which lie outside his competence clearly cannot be raised as points of order. If interventions made under points of order were limited to questions which lie within the competence of the presiding officer and if the second essential provision of the rules were always observed — namely, that the point of order shall be immediately decided by the presiding officer in accordance with the rules of procedure — no difficulty should arise in connexion with these rules.

43. Responsibility for improvement in the use of rules 72 and 112 lies in the first instance with the representatives in the Assembly and in the Committees in that remarks made under points of order should be limited to those matters which can properly be raised thereunder, and in the second instance with the presiding officer who should discharge his obligation under the rules immediately to dispose of the question. Correctly applied, the point of order is a most useful instrument for clarifying debate and for providing each Member with an orderly and expeditious procedure for ensuring the protection of its rights. The provision for appeal against the ruling of the presiding officer, if applied in conformity with the rule, permits a body as a whole immediately to resolve any disagreement which arises on the manner in which the officer disposes of a point of order.

X. CONSIDERATION OF ITEMS IN PLENARY MEETINGS

44. During the fourth session, the General Assembly approved the recommendation contained in paragraph 23 of the report of the Special Committee on Methods and Procedures, as follows: "Another means of lightening the task of any given Main Committee would be to consider directly in plenary meeting, without preliminary reference to committee, certain questions which fall within the terms of reference of the Main Committee".

45. Some experience has been gained from succeeding sessions where a limited number of items were considered directly in plenary meetings. This procedure is still in the process of development. It is not felt, therefore, that it would be opportune to make further recommendations on the question at this time.

46. The Special Committee would, however, urge that in accordance with the intention of rule 67 of the rules of procedure, during each session the Assembly should avoid repetitious debate in plenary meetings of proposals already examined in the Main Committees.

XI. CONSIDERATION OF ITEMS BETWEEN SESSIONS

47. The Special Committee considered the suggestion that, in certain cases, *ad hoc* committees which are

established by the General Assembly to report on agenda items to the following regular session should provide for the representation of all the Members of the General Assembly. The purpose of this suggestion is to limit the duration of the sessions by completing preliminary studies of such items between sessions in order to facilitate their consideration in the Assembly itself. The Special Committee is of the opinion that it would not be advisable at present to make specific recommendations to this effect. The majority of the members feel that it should be left to the Assembly, in the light of its own experience and according to the particular circumstances, to decide on the application in future of such a procedure; it should be pointed out, however, that certain members are opposed to the procedure in principle.

XII. SCHEDULE OF MEETINGS

48. The Special Committee considered the proposal that, in future, arrangements should be made to schedule the holding of simultaneous meetings of five main committees throughout the sessions, and, with that proposal, the recommendation that the Assembly, in order to facilitate the participation of all the Member States, should authorize the payment by the United Nations of travel expenses for two additional members of each delegation to the General Assembly. While no decision was taken in the Special Committee regarding a recommendation to this effect, it should be noted that, as circumstances have required it, arrangements have been made in the past for more than four main committees to meet simultaneously.

49. The Special Committee wishes to draw attention to the serious loss of time that results from the lack of punctuality in the opening of meetings and from adjournments before the appointed time. On the basis of two and one-half hours per meeting, during the sixth session, for example, the total apparent loss of time amounted to fourteen working days. Allowing that these figures are of only relative value inasmuch as they reflect a mechanical computation, it can be seen, nevertheless, that the duration of regular sessions could be effectively reduced if meetings were held more closely on schedule.

50. Early adjournment of meetings, and the late cancellation of others, frequently occur owing to a lack of speakers on the item which is being considered in a Main Committee. These situations could often be avoided by the inclusion of more than one item in the Committee's daily agenda; representatives would then be in a position, when necessary, to leave one item temporarily and pass to the discussion of another without interrupting the schedule of meetings.

XIII. PARTICIPATION OF THE CHAIRMAN OF THE Ad Hoc POLITICAL COMMITTEE IN THE WORK OF THE GENERAL COMMITTEE

51. During the last three regular sessions, the *Ad Hoc* Political Committee has been established at the beginning of the sessions to assist the General Assembly in the consideration of a number of political questions on the agenda. It has had a schedule of work equivalent to that of the Main Committees and has held meetings throughout the duration of the sessions.

At the seventh session, the Assembly decided that for the duration of that session, its Chairman would have the right to vote in the General Committee. The Special Committee believes that in future the Chairman of an *Ad Hoc* Political Committee of this character should participate in the work of the General Committee with the right to vote. It is recommended that rule 38 should be amended accordingly.⁶ (8 votes in favour, 3 against, with 4 abstentions).

XIV. CONTINUING REVIEW OF THE QUESTION

52. The General Assembly will, no doubt, continue to adapt its methods to meet changing needs and new requirements; its procedures also will develop in the light of its own experience. The Special Committee believes that this process should be kept under review and that Member States and the Secretary-General should be encouraged to submit proposals on the

matter at such times as they may deem it appropriate.

53. In this connexion, the Special Committee has in mind that in resolution 362 (IV) of 22 October 1949, the General Assembly, "without prejudice to any initiative which Member States may take in this respect", requests the Secretary-General "to carry out appropriate studies and to submit, at such times as he may consider appropriate, suitable proposals for the improvement of the methods and procedures of the General Assembly and its committees, including proposals to extend the use of mechanical and technical devices".

54. In conclusion, the Special Committee recommends that an outline of the practices recommended in the Committee's report should be included in a consolidated annex to the rules of procedure of the General Assembly in order to facilitate and encourage the observance of such practices in the future. (7 votes in favour, 3 against, with one abstention).

Annex

Amendments to the rules of procedure of the General Assembly recommended by the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly

1. *Rule 73 (113)*: The General Assembly (the committee) may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. *In addition to the proposer of a motion to that effect, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote.* When the debate is limited and a representative has spoken his allotted time, the President (Chairman) shall call him to order without delay.

2. *Rule 38*: The General Committee shall comprise

⁶ See annex.

the President of the General Assembly, who shall preside, the seven Vice-Presidents, the Chairman of the six Main Committees and the Chairman of the *Ad Hoc* Political Committee when one is established. No two members of the General Committee shall be members of the same delegation, and it shall be so constituted as to ensure its representative character. Chairmen of other committees upon which all Members have the right to be represented and which are established by the General Assembly to meet during the session, shall be entitled to attend meetings of the General Committee and may participate without vote in the discussions.

DOCUMENT A/C.6/L.292/REV.1⁷

Norway: revised draft resolution

[Original text: English]
[29 September 1953]

The General Assembly,

Having considered the report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly (A/2402),

Recognizing the importance of adopting measures calculated to accomplish this purpose, without restricting the right of Members to speak fully and freely in the debates in plenary meetings and in the various Committees,

1. *Amends* rule 38 of its rules of procedure to read as follows:

"*Rule 38*: The General Committee shall comprise the President of the General Assembly, who shall preside, the seven Vice-Presidents, the Chairmen of the six Main Committees and the Chairman of the *Ad Hoc* Political Committee when one is established.

⁷ The text of document A/C.6/L.292, dated 25 September 1953, is identical with this text, except that operative paragraph 3 mentions "an outline of the practices . . ." instead of "the attached outline of the practices . . .", and the outline itself is not annexed to the resolution.

No two members of the General Committee shall be members of the same delegation, and it shall be so constituted as to ensure its representative character. Chairmen of other committees upon which all Members have the right to be represented and which are established by the General Assembly to meet during the session, shall be entitled to attend meetings of the General Committee and may participate without vote in the discussions;"

2. *Amends* rule 73 (113) of its rules of procedure to read as follows:

"*Rule 73 (113)*: The General Assembly (the committee) may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. In addition to the proposer of a motion to that effect, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. When the debate is limited and a representative has spoken his allotted time, the President (Chairman) shall call him to order without delay;"

3. *Decides* to annex to its rules of procedure the attached outline of the practices recommended by the Special Committee in its report, in order to facilitate and encourage the observance of such practices in the future;

4. *Requests* the Secretary-General to consider the question of consolidating this annex and the present annexes to the rules of procedure including the annex mentioned in General Assembly resolution 684 (VII), and, if such consolidation is considered advantageous, to publish a new edition of the rules of procedure of the General Assembly containing the consolidated annex.

Draft annex to the rules of procedure of the General Assembly

OUTLINE OF PRACTICES RECOMMENDED BY THE SPECIAL COMMITTEE ON MEASURES TO LIMIT THE DURATION OF REGULAR SESSIONS OF THE GENERAL ASSEMBLY

1. The Special Committee believes that economy would result should the Assembly in future indicate clearly its intentions when drafting resolutions calling for the preparation of special or annual reports. [16]*

It is evident that in some instances in the past, it was not the intention of the Assembly that the subject of a report should appear as an item in the agenda. In others, however, doubts existed on the point and an item covering such a report might have been included in the agenda when no action on the part of the Assembly was called for. The situation would be clarified if the practice were adopted of stating in the resolution whether it is intended that the report should be submitted to the General Assembly for consideration or to Members for their information. [17]*

2. Certain agenda items which recur from year to year do not necessarily require the attention of the Assembly at every session; during the seventh session, for example, with respect to at least three items it was decided that they should next appear on the agenda of the ninth session. This practice would no doubt help to relieve the agenda and it might result in an appreciable saving of time. In the view of the majority of the members of the Special Committee it would be desirable, therefore, for the Assembly to specify, whenever practicable, that an item of this character should appear only on the agenda of alternate sessions or at longer intervals. [19]*

3. The Secretariat could be of considerable assistance to the Chairmen of the Main Committees in ensuring that the above-mentioned practices are observed. It would also be desirable to make full use of the services of the Secretariat with a view to achieving a wider degree of uniformity, precision and clarity in the drafting of Committee documents. [20]*

4. The Special Committee suggests that the work of the Assembly might progress more smoothly and the deliberations in the Main Committees might follow a more regular pace if the closing date of the sessions were taken into account by the Chairmen at the outset. Informal time-tables for the completion of the items on a Committee's agenda, drawn up by the Chairman for his guidance early in the session, might be helpful in maintaining an even distribution of work throughout the entire period. [21]*

* Numbers in brackets indicate paragraphs of the report of the Special Committee from which the text was taken.

5. The majority of the members of the Special Committee believe that consideration of the reports of the Economic and Social Council and the Trusteeship Council would be facilitated if the General Assembly were to encourage the Councils to continue the practice of indicating in their annual reports those matters on which they desire that the Assembly should take action. This trend, which should be strengthened, does not prejudice the right of the Assembly to debate any aspect of the reports, and it has the advantage of providing Members in advance with more precise information on what questions covered in the reports would be the subject of debate during a session of the General Assembly. It is, therefore, of particular interest that the reports of the Councils should be circulated to Members as much in advance of the opening of the sessions as the schedules of the Councils themselves permit. [22]*

A time-limit for the presentation of draft resolutions on matters contained in the reports would also be useful. The General Committee might recommend to the General Assembly that it should instruct the Chairmen of the Main Committees to which the reports are allocated that they should establish reasonably early time-limits for that purpose. [23]*

6. It is the view of the majority of the members of the Special Committee that the past tendency in Main Committees to interpret too liberally the scope of the items referred to them has, on occasions, caused the range of subjects dealt with during a session to extend beyond the limits set by the agenda items as adopted. There have been cases in which debates have taken place and draft resolutions have been proposed on matters only remotely or indirectly related to the items under discussion. [24]*

A reasonable interpretation of the limitations implied by the agenda of a Main Committee, as agreed upon by the Assembly, should not restrict the freedom of a Committee to give full consideration to its items; it should, however, provide a clear frame of reference for the debates, and the right and obligation of Chairmen to rule out of order extraneous remarks and proposals falling outside its bounds should be recognized. [25]*

7. The practice in plenary meetings of imposing a limitation on the time allowed for explanations of vote has produced good results. The majority of the members of the Special Committee believe that the Main Committees could profitably follow the same procedure. [30]*

8. As regards rules 73 and 113, the Special Committee considered the proposal to replace the broad term "The General Assembly (the committee)" by the phrase "The President (Chairman) or any representative". The majority of the members agree that these rules would be used more freely if the text indicated clearly who might propose a motion thereunder. The majority are also of the opinion that explicit reference in rules 73 and 113 to the President and the Chairman would not confer any right which they do not already possess under rules 35 and 106; such a reference would, on the other hand, help to overcome a certain hesitancy regarding the application of those rules which the present wording appears to occasion. The same view prevailed in the Special Committee concerning the powers of the President and the Chairman when it

* Numbers in brackets indicate paragraphs of the report of the Special Committee from which the text was taken.

considered similar modifications to rules 75 and 115 and 76 and 116. [33]*

The majority of the members of the Special Committee trust that the Assembly will endorse the understanding outlined above, namely, that the *President (Chairman) as well as any representative may take the initiative under the rules in question at such times as may be appropriate.* [34]*

9. In connexion with its recommendation to limit the number of speakers on procedural motions under rules 73 and 113, the Special Committee held the view that it should be acknowledged that a Member which has requested the inclusion of an item in the agenda or which has presented a draft resolution on an item under discussion, has a particular interest in procedural motions affecting the consideration of that item. The Special Committee suggests that it would be reasonable to expect the President or the Chairman, within the framework of the rules of procedure, to include the representative of that Member among those speaking on such a motion, if he so desires. [36]*

10. The Special Committee believes that the presiding officers of the General Assembly and of the Main Committees should urge the representatives to signify at their earliest convenience their desire to be placed on the list of speakers. Compliance with this request and readiness to speak in accordance with the order of the list would promote the orderly conduct of business in the Assembly and, particularly, in the Main Committees. This practice and the closure of the list as soon as is reasonably possible can lead to a measurable saving of time during the sessions. [38]*

11. The Special Committee would urge that in accordance with the intention of rule 67 of the rules of procedure, during each session the Assembly should avoid repetitious debate in plenary meetings of proposals already examined in the Main Committees. [46]*

12. The Special Committee wishes to draw attention to the serious loss of time that results from the lack of punctuality in the opening of meetings and from adjournments before the appointed time. On the basis of two and one-half hours per meeting, during the sixth session, for example, the total apparent loss of time amounted to fourteen working days. Allowing that these figures are of only relative value inasmuch as they reflect a mechanical computation, it can be seen, nevertheless, that the duration of regular sessions could be effectively reduced if meetings were held more closely on schedule. [49]*

Early adjournment of meetings, and the late cancellation of others, frequently occur owing to a lack of speakers on the item which is being considered in a Main Committee. These situations could often be avoided by the inclusion of more than one item in the Committee's daily agenda; representatives would then be in a position, when necessary, to leave one item temporarily and pass to the discussion of another without interrupting the schedule of meetings. [50]*

13. The General Assembly will, no doubt, continue to adapt its methods to meet changing needs and new requirements; its procedures also will develop in the light of its own experience. The Special Committee believes that this process should be kept under review and that Member States and the Secretary-General should be encouraged to submit proposals on the matter at such times as they may deem it appropriate. [52]*

In this connexion, the Special Committee has in mind that in resolution 362 (IV) of 22 October 1949 the General Assembly, "without prejudice to any initiative which Member States may take in this respect", requests the Secretary-General "to carry out appropriate studies and to submit, at such times as he may consider appropriate, suitable proposals for the improvement of the methods and procedures of the General Assembly and its committees, including proposals to extend the use of mechanical and technical devices. [53]*

DOCUMENT A/C.6/L.293

Brazil and France: amendments to the draft resolution submitted by Norway (A/C.6/L.292)

[Original text: French]
[28 September 1953]

1. Replace the two paragraphs of the preamble by the following:

"Considering General Assembly resolution 689 (VII),

"Considering the report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly (A/2402),"

2. Insert the following as paragraph 1 of the operative part:

"Takes note of that report;"

3. Renumber paragraphs 1 and 2 of the operative part as paragraphs 2 and 3.

4. Delete paragraphs 3 and 4 of the draft resolution.

DOCUMENT A/C.6/L.295

United Kingdom of Great Britain and Northern Ireland: amendments to the revised draft resolution submitted by Norway (A/C.6/L.292/Rev.1)

[Original text: English]
[1 October 1953]

1. Renumber paragraph 1 as paragraph 1 (a) and insert a new paragraph 1 (b) as follows:

"(b) Amends the second sentence of rule 39 of its rules of procedure to read as follows:

"A Chairman of a Main Committee or of the *Ad Hoc* Political Committee shall, in case of absence, designate the Vice-Chairman of the Committee as his substitute."

* Numbers in brackets indicate paragraphs of the report of the Special Committee from which the text was taken.

* Numbers in brackets indicate paragraphs of the report of the Special Committee from which the text was taken.

2. Insert a new paragraph 3 as follows:

"Amends rule 98 of its rules of procedure to read as follows:

"Each Main Committee, taking into account the closing date for the session fixed by the General

Assembly on the recommendation of the General Committee, shall adopt its own priorities and meet as may be necessary to complete the consideration of the items referred to it."

3. Renumber paragraphs 3 and 4 as paragraphs 4 and 5.

DOCUMENT A/C.6/L.296

Ecuador and Guatemala: amendments to the amendments submitted by Brazil and France (A/C.6/L.293)

[Original text: Spanish]
[2 October 1953]

1. Amend point 3 to read as follows:

"Renumber paragraph 1 of the operative part as paragraph 2".

2. Amend point 4 to read as follows:

"Delete paragraphs 2, 3 and 4 of the draft resolution".

DOCUMENT A/2512 and CORR. 1

Report of the Sixth Committee

[Original text: French]
[19 October 1953]

1. At the 373rd plenary meeting held on 4 February 1952, the General Assembly at its sixth session decided that it should examine the item "Measures to limit the duration of regular sessions of the General Assembly". The same decision requested the Secretary-General, in consultation with States Members and the Advisory Committee on Administrative and Budgetary Questions, to prepare a working paper on the subject with appropriate comments and recommendations.⁸

2. The Secretary-General's memorandum (A/2206) was examined by the General Assembly at its seventh session. By resolution 689 A (VII) of 21 December 1952, the Assembly established a Special Committee of fifteen members to consider the Secretary-General's memorandum and any other information communicated to it by Member States and to submit its recommendations to the General Assembly. The Secretary-General was requested to transmit the Special Committee's report to Member States for comment and to include the item in the provisional agenda of the eighth session of the General Assembly.

3. The session of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly opened on 25 May and concluded on 22 June 1953. The results of its work, in the course of which the Committee examined each section of the Secretary-General's memorandum and the observations and suggestions submitted by the governments of various States Members, are recorded in a report which the Committee has submitted to the General Assembly (A/2402). The report includes general remarks on the problem which the Committee was appointed to examine, and its observations and conclusions on (a) the agenda of Assembly sessions; (b) the consideration by the Assembly of reports of the Councils; (c) the scope of proposals made in the Committees; (d) the conduct of debates in the Committees; (e) measures to limit these debates; (f) points of order; (g) the consideration of items in plenary meetings and between sessions; (h) the scheduling of meetings, and (i) the question of the

participation of the Chairman of the *Ad Hoc* Political Committee in the work of the General Committee. The Committee pointed out that the question of the methods of work of the General Assembly should be kept under review in the light of the changing needs and new requirements of the Assembly, and recommended that an outline of the practices advocated in its report should be included in a consolidated annex to the rules of procedure in order to facilitate and encourage the observance of such practices in the future.

4. The Special Committee endorsed only two of the amendments to the rules of procedure proposed by the Secretary-General in his memorandum (A/2206): the amendment to rule 73 (113), which provided that in addition to the proposer of a motion to limit the time allowed to each speaker, two representatives only might speak in favour of the motion and two against it, and the amendment to rule 38, which included among the members of the General Committee the Chairman of the *Ad Hoc* Political Committee when one was established by the General Assembly.

5. At its 435th plenary meeting, held on 17 September 1953, the General Assembly decided, upon the recommendation of the General Committee, to include the item "Measures to limit the duration of regular sessions of the General Assembly: report of the Special Committee" in the agenda of its eighth session and to refer the item to the Sixth Committee for consideration.

6. The Sixth Committee considered the item from its 360th meeting, held on 25 September 1953, to its 366th meeting, held on 6 October 1953.

7. The Committee's discussions were based on the Special Committee's report and a draft resolution submitted by Norway (A/C.6/L.292). The draft resolution, adopting the Special Committee's conclusions, stated in its preamble that the General Assembly, having considered the report of the Special Committee, recognized the importance of adopting measures to limit the duration of its regular sessions without restricting the right of Members to speak fully and freely. Paragraph 1 of the operative part amended rule 38 and paragraph 2

⁸ See *Official Records of the General Assembly, Sixth Session, Plenary meetings, 373rd meeting, paras. 53 and 56.*

amended rule 73 (113) of the rules of procedure in the manner proposed by the Special Committee. Paragraph 3 proposed that the Assembly should decide to annex to its rules of procedure an outline of the practices recommended by the Special Committee in its report, in order to facilitate and encourage the observance of such practices in the future. Paragraph 4 requested the Secretary-General to consider the question of consolidating the new annex and existing annexes to the rules of procedure, and, if such consolidation were considered advantageous, to publish a new edition of the rules of procedure of the General Assembly containing the consolidated annex.

8. A revised text of this draft resolution (A/C.6/L.292/Rev.1), submitted by Norway, proposed to annex to the above-mentioned provisions of the draft resolution a number of extracts from the Special Committee's report which, if adopted, were to constitute a new annex to the rules of procedure of the General Assembly.

9. The following amendments were submitted to the Committee:

(a) An amendment submitted by Brazil and France (A/C.6/L.293) proposed:

(i) to replace the preamble of the Norwegian draft resolution by a simple reference to General Assembly resolution 689 (VII) and to the report of the Special Committee; (ii) to insert in the operative part a paragraph 1 in which the General Assembly would take note of the Special Committee's report and (iii) to delete paragraphs 3 and 4.

(b) A United Kingdom amendment (A/C.6/L.295) amending the second sentence of rule 39 of the rules of procedure so as to make it clear that, as in the case of chairmen of Main Committees, the Chairman of the *Ad Hoc* Political Committee would, in case of absence, designate the Vice-Chairman of the Committee as his substitute. The amendment also proposed that in conformity with the revision of rule 2 of the rules of procedure adopted by the General Assembly at its seventh session, the words "the target date for the closing of the session fixed by the General Assembly on the recommendation of the General Committee" in rule 98 of the rules of procedure should be replaced by the words "the closing date for the session fixed by the General Assembly on the recommendation of the General Committee".

(c) An amendment submitted by Ecuador and Guatemala (A/C.6/L.296) to the Brazilian-French amendment, which proposed the deletion not only of paragraphs 3 and 4 of the Norwegian draft resolution but also of paragraph 2, and thus the retention of rule 73 (113) of the rules of procedure of the Assembly in its present form.

10. In the course of the general debate, those representatives who in general supported the Special Committee's conclusions stressed the moderate character of the solutions proposed and expressed the belief that they would not restrict the right of free discussion. The proposed annex to the rules of procedure would not be binding, but would, like the existing annexes, serve as a useful guide to the chairmen of committees and to delegations. Certain representatives pointed out that the excessive length of sessions imposed heavy financial burdens on their governments and raised problems with regard to the composition of their delegations. It was difficult for many representatives of States Member

to spend long periods abroad without seriously neglecting their duties at home.

11. Other representatives expressed their opposition to any measure which might in any way restrict the freedom of speech which should prevail in the General Assembly as a world forum. In their view, whatever disadvantages might result from the sometimes excessive length of discussions, there should be no impairment of the absolute right of each State Member to speak in any debate and no limit should be set on the speeches of their representatives, beyond that of reasonable length. According to these representatives, the provisions of the rules as they stood made it possible to avoid any serious loss of time. The problem of the duration of General Assembly sessions was due, not to technical causes, but to the nature of the questions on the Assembly's agenda and to the general political atmosphere in which it worked. Some representatives pointed out that there was a fundamental difference between the proceedings of the General Assembly and those of national Parliaments. The General Assembly was essentially a deliberative body, and was not homogenous; its members were not representatives of organized parties, grouped in a majority and a minority, but representatives of sovereign and equal States entitled to express and defend their opinions according to their own conceptions of international interest and the safeguarding of their rights. In the General Assembly, a majority usually emerged in the course of discussion, when the various shades of opinion had been expressed.

12. Several representatives spoke against the proposal to annex extracts from the Special Committee's report to the rules of procedure of the Assembly. They expressed the view that it would be preferable for the Assembly not to take a decision on the substance of the Special Committee's recommendations. The problem which had been referred to the Committee was still fluid; it was liable to modification at a later date and it ought to be kept under review. The Committee's recommendations could not therefore constitute a final solution. Moreover, the proposed annex would have no legal value. Since it would not be binding, it would serve little purpose and might become a source of ambiguity.

13. With particular reference to the proposed amendment to rules 73 (113), certain representatives pointed out that there was a difference between the provisions of this rule and those of the other rules which limited the number of speakers in debates on procedural motions. They considered that these two provisions applied only when full discussions had already taken place, whereas if the proposed amendments to rule 73 (113) were adopted, delegations might be deprived of any opportunity of expressing their views. It was also noted that the proposed amendment allowed three persons to speak in favour of a motion to limit the time allowed to speeches and only two speakers to speak against.

14. The delegations supporting the amendment considered that the distinction drawn with regard to other procedural motions limiting the number of speakers was too fine to justify its rejection. They declared that it would be absurd if it were made possible to discuss without any limit a motion to limit the time allowed to speakers. The present provisions of rule 76 (116) were, they thought, more restrictive than those proposed for rule 73 (113).

15. Some representatives, while supporting the amendment to rule 38 proposed by the Special Com-

mittee, expressed the wish that the legal status of the *Ad Hoc* Political Committee should be definitely fixed upon a basis of complete equality with the Main Committees of the General Assembly.

16. After the conclusion of the general debate on the Special Committee's report and the Norwegian draft resolution and the amendments proposed to it, the Sixth Committee proceeded to a vote. The results of the vote were as follows:

17. Voting section by section on the amendment submitted by Ecuador and Guatemala to the Brazilian-French amendment (see paragraph 9(c) above), the Committee adopted by 24 votes to 21, with 3 abstentions, that part of the amendment which proposed the deletion of paragraph 2 of the Norwegian draft resolution.

The part of the amendment which proposed the deletion of paragraph 3 was adopted by 32 votes to 13, with 4 abstentions.

The part of the amendment which proposed the deletion of paragraph 4 was adopted by 31 votes to 6, with 8 abstentions.

18. The amendment submitted by Brazil and France (see paragraph 9(a) above) was then put to the vote. Point 1 of the amendment, calling for the replacement of the preamble in the Norwegian draft resolution by the preamble proposed by the two delegations, was adopted by 36 votes to 10 with one abstention.

Point 2 of the amendment, proposing the insertion of a new paragraph 1 in the operative part of the resolution, was adopted by 45 votes to one, with one abstention.

19. Paragraph 1 of the operative part of the Norwegian draft resolution (A/C.6/L.292/Rev.1) was then adopted by 32 votes to none, with 17 abstentions.

20. The United Kingdom amendment (see paragraph 9(b) above), relating to rule 39 of the rules of procedure, was adopted by 31 votes to none, with 18 abstentions. The amendment to rule 98 was adopted by 30 votes to 1, with 17 abstentions.

21. The Norwegian draft resolution as a whole, as so amended, was adopted by 44 votes to none, with 2 abstentions.

Recommendation of the Sixth Committee

22. The Sixth Committee accordingly recommends that the General Assembly adopt the following draft resolution:

MEASURES TO LIMIT THE DURATION OF REGULAR SESSIONS OF THE GENERAL ASSEMBLY

The General Assembly,

Having regard to General Assembly resolution 689 (VII),

Having regard to the report of the Special Committee on Measures to Limit the Duration of Regular Sessions of the General Assembly (A/2402),

1. *Takes note of the above-mentioned report;*

2. (a) *Amends rule 38 of its rules of procedure to read as follows:*

"The General Committee shall comprise the President of the General Assembly, who shall preside, the seven Vice-Presidents, the Chairman of the six Main Committees and the Chairman of the *Ad Hoc* Political Committee when one is established. No two members of the General Committee shall be members of the same delegation, and it shall be so constituted as to ensure its representative character. Chairmen of other committees upon which all Members have the right to be represented and which are established by the General Assembly to meet during the session shall be entitled to attend meetings of the General Committee and may participate without vote in the discussions."

(b) *Amends the second sentence of rule 39 of its rules of procedure to read as follows:*

"A Chairman of a Main Committee or of the *Ad Hoc* Political Committee shall, in case of absence, designate the Vice-Chairman of the Committee as his substitute."

3. *Amends rule 98 of its rules of procedure to read as follows:*

"Each Main Committee, taking into account the closing date for the session fixed by the General Assembly on the recommendation of the General Committee, shall adopt its own priorities and meet as may be necessary to complete the consideration of the items referred to it."

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted the above draft resolution, submitted by the Sixth Committee. For the final text, see resolution 791 (VIII).

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A/2206	Memorandum by the Secretary-General		<i>Official Records of the General Assembly, Seventh Session, Annexes, agenda item 50.</i>
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A/Resolution/112	Resolution adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 791 (VIII)</i>

GENERAL ASSEMBLY

Official Records



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ANNEXES

EIGHTH SESSION

Agenda item 55 : Question of the continuation of the functions of the United Nations Tribunal in Libya

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DOCUMENT A/2459

Explanatory memorandum submitted by the Secretary-General

[Original text: English]
[3 September 1953]

1. The United Nations Tribunal in Libya was set up in pursuance of article X of resolution 388 A (V) on the economic and financial provisions relating to Libya, which was adopted by the General Assembly on 15 December 1950 on the report of the *Ad Hoc* Political Committee (A/1726). On the recommendation of its Sub-Committee 1 (A/AC.38/L.70), to which the *Ad Hoc* Political Committee had referred the question for detailed consideration, the report of the *Ad Hoc* Political Committee to the General Assembly included certain explanations of the provisions of the resolution. With respect to article X, these explanations were as follows (A/1726, para. 8) :

"The Sub-Committee discussed the period during which the Tribunal should remain in existence. Although it is difficult to foresee precisely the time it will take that body to accomplish its task, the Sub-Committee believes that it might take at least two or three years. In this connexion, much will depend on the time it will take to conclude the several special Italo-Libyan agreements provided for in the resolution.

"The Sub-Committee further believes that the General Assembly should in any case examine either at its seventh, or at its eighth session at the latest, and in the light of the progress then made by the Tribunal, the question of whether its functions should be continued. By then, Italy and Libya might desire either to maintain the Tribunal jointly, assuming the cor-

responding financial obligations, or prefer to replace it by a different procedure."

2. In the light of these explanations, the Secretary-General decided to include the question of the continuation of the functions of the United Nations Tribunal in Libya in the provisional agenda of the eighth session of the General Assembly and, in order to facilitate its consideration by the Assembly, he wrote on 7 July 1953 to the Governments of Italy and Libya requesting their views on the questions to which reference was made in the passages of the report of the *Ad Hoc* Political Committee reproduced above. He also communicated in this respect with the President of the United Nations Tribunal in Libya.

3. Replies from the Governments of Italy and Libya to the Secretary-General's communications of 7 July 1953 have now been received. They are reproduced, together with the Secretary-General's letter, in the annex to the present memorandum. Both governments consider that the United Nations Tribunal in Libya should be continued for a further period of time, the Government of Libya expressing the view that the expenses of the Tribunal should continue to be borne by the United Nations.

4. Information on the organization and the activities of the Tribunal since its establishment has been given to

the Members of the United Nations in the annual reports on the work of the Organization presented by the Secretary-General to the seventh¹ and eighth² sessions of the General Assembly. By a communication dated 18 July 1953, the President of the United Nations Tribunal in Libya informed the Secretary-General that the preparation and the consideration of a request for instructions submitted by the Government of Italy on 7 March 1953, which in fact corresponds to twenty-four cases, will take up a considerable part of the Tribunal's time in 1954. He also informed the Secretary-General that the Tribunal has received information from representatives of the Government of Italy and the Government of Libya that these governments had under consideration a great number of requests introduced by their nationals for submission of cases to the United Nations Tribunal. Furthermore, negotiations between Italy and Libya have begun for the conclusion of the various agreements provided for in resolution 388 A (V) of the General Assembly and it is likely that, in connexion with these negotiations and depending on their result, differences of interpretation may arise on which either the Italian Government or the Libyan Government, or both, may wish to consult the Tribunal. In his communication to the Secretary-General the President of the Tribunal also mentioned that the members of the Tribunal would prefer that the seat of the Tribunal should be transferred to Geneva. He pointed out in this connexion that the procedure of the Tribunal is mainly a written one and that in Geneva the Tribunal would dispose of a good legal library.

5. Should the General Assembly decide that the Tribunal is to continue in existence and that its expenses are to continue to be met by the United Nations, the annual budgetary provision required would be about \$135,000, assuming approximately the same establishment as for 1953. Detailed estimates covering 1954 requirements would be presented in the course of the General Assembly in the light of decisions taken.

Annex

I

LETTER DATED 7 JULY 1953 FROM THE SECRETARY-GENERAL TO THE MINISTERS FOR FOREIGN AFFAIRS OF ITALY AND LIBYA

New York, 7 July 1953

I have the honour to refer to resolution 388 A (V) of the United Nations General Assembly on economic and financial provisions relating to Libya, and in particular to article X thereof, by virtue of which the United Nations Tribunal was set up in Libya.

The report of the *Ad Hoc* Political Committee which refers to the resolution in question sets forth certain points which Sub-Committee 1, appointed by it to draw up the economic and financial provisions relating to Libya, had felt it necessary to explain. With regard to article X which deals with the United Nations Tribunal, the Sub-Committee's observations were in part as follows:

"The Sub-Committee discussed the period during which the Tribunal should remain in existence. Although it is difficult to foresee precisely the time it will take that body to accomplish its task, the Sub-Committee believes that it might take at least two or three years. In this connexion, much will depend on the time it will take to conclude the several special Italo-Libyan Agreements provided for in the resolution.

"The Sub-Committee further believes that the General Assembly should in any case examine either at its seventh,

¹ See *Official Records of the General Assembly, Seventh Session, Supplement No. 1*, chapter IV, section 13 (a).

² *Ibid.*, Eighth Session, Supplement No. 1, chapter IV, section 14 (a).

or at its eighth session at the latest, and in the light of the progress then made by the Tribunal, the question of whether its functions should be continued. By then, Italy and Libya might desire either to maintain the Tribunal jointly, assuming the corresponding financial obligations, or prefer to replace it by a different procedure."

I intend to place the question of the continuation of the functions of the United Nations Tribunal in Libya on the provisional agenda of the eighth session of the General Assembly so that it may take a decision on the matter. I also hope to be able to submit a preliminary report on the question to the Assembly some time before the opening of the session. For this purpose, I should be grateful if you would inform me of your Government's views on the points raised in the extract from the report quoted above.

(Signed) Dag HAMMARSKJOLD,
Secretary-General.

II

LETTER DATED 30 JULY 1953 FROM THE MINISTER FOR FOREIGN AFFAIRS OF ITALY TO THE SECRETARY-GENERAL

[Original text: Italian]
Rome, 30 July 1953

I have the honour to refer to your letter SG.453/3/01 of 7 July 1953 in which you informed me of your intention to place the question of the continuation of the functions of the United Nations Tribunal in Libya on the provisional agenda of the eighth session of the General Assembly.

I have the honour to thank you for your communication and to inform you that the Italian Government considers it necessary that the United Nations Tribunal in Libya should be continued at least throughout 1954 for the following reasons:

1. Under Article X, paragraph 1 (a) of resolution 388 (V), the Tribunal is seized of a request from the Italian Government for instructions clarifying the juridical status of numerous Italian agencies operating in Libya, with a view to the proper implementation of the provisions of article I, paragraphs 3 (a) and 1 to 4 of the said resolution.

In connexion with this request, the Libyan Government has submitted a memorandum expressing a view contrary to that taken by the Italian Government. A very large number of documents will have to be examined and, in view of the Tribunal's summer vacation, it will not be possible to begin this work until the latter part of September; the work may be expected to take several months to complete.

2. Negotiations between Italy and Libya concerning the conclusion of the various agreements provided for in resolution 388 (V) were begun in July.

The Italian Government is firmly resolved that the current conversations shall take place in an atmosphere of good faith and a spirit of true co-operation so that the agreements provided for in the United Nations resolution can be concluded to the satisfaction of both parties. Nevertheless, it is not impossible that during the negotiations differences of interpretation may arise on which either the Italian Government or the Libyan Government would wish to consult the Tribunal, not so much in order to settle a dispute as to obtain instructions.

The Italian Government considers that the continued existence of the United Nations Tribunal is an indispensable guarantee for the satisfactory conclusion of the agreements between Italy and Libya, and provides the best procedure for overcoming any obstacles which may arise during the negotiations, despite the utmost good will on the part of the Italian Government.

It is therefore possible that the United Nations Tribunal, which has not hitherto had many questions to deal with, is about to enter upon a period of intense activity.

The Italian Government therefore trusts that the eighth session of the United Nations General Assembly, taking into due account the reasons set forth above, will adopt a resolution prolonging the life of that important body, whose continued existence it judges indispensable.

(Signed) L. GASPERI

III

COMMUNICATION DATED 13 AUGUST 1953 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM OF LIBYA TO THE SECRETARY-GENERAL^a

[Original text: Arabic]
13 August 1953

Whereas the financial situation of Libya is still critical, and has not yet improved, as evidenced by the request recently submitted by the Federal Libyan Government to

^a According to information received by the Secretary-General, the text of this communication was considered and adopted by the Libyan Cabinet.

the Economic and Social Council to extend additional financial and technical assistance to Libya, and

Whereas the Federal Libyan Government is still receiving financial assistance from certain friendly governments to meet the deficit in its annual budget,

The Libyan Government is desirous of the maintenance in Libya of the United Nations Tribunal which was established to settle disputes concerning Italian properties, in accordance with the resolution of the General Assembly of the United Nations, the expenses of the said Tribunal to be borne by the United Nations.

(Signed) Mahmoud MUNTASSER
Prime Minister and Minister
for Foreign Affairs

DOCUMENT A/C.6/L.294

Argentina and Egypt: draft resolution

[Original text: Spanish]
[30 September 1953]

The General Assembly,

Recalling its resolution 388 A (V) concerning economic and financial provisions relating to Libya, article X of which set up a United Nations Tribunal in Libya and defined its functions,

Noting that the Governments of Italy and Libya are conducting negotiations concerning the conclusion of the various agreements provided for in resolution 388 A (V),

Noting that both the Governments concerned, in their replies to a letter from the Secretary-General, state that they consider it desirable that the Tribunal should continue to function for a further period,

Having noted the explanatory memorandum by the Secretary-General (A/2459) concerning the continuation of the functions of the Tribunal,

1. Resolves that the United Nations Tribunal in Libya shall continue to function in accordance with this resolution;

2. Requests the Secretary-General, after consultation with the Governments concerned regarding the continuation of the Tribunal's functions, to report on this question to the General Assembly at its tenth session.

DOCUMENT A/C.6/L.301

United Kingdom of Great Britain and Northern Ireland: amendment to the draft resolution submitted by Argentina and Egypt (A/C.6/L.294)

[Original text: English]
[8 October 1953]

Amend operative paragraph 2 of the draft resolution by substituting "ninth session" for "tenth session".

DOCUMENT A/2513

Report of the Sixth Committee

[Original text: French]
[19 October 1953]

1. Under article X of its resolution 388 A (V) of 15 December 1950 on the economic and financial provisions relating to Libya, the General Assembly established the United Nations Tribunal in Libya, which the Ad Hoc Political Committee had estimated would be in operation for not less than two or three years. In its report to the General Assembly (A/1726), the Ad Hoc Political Committee had expressed the opinion that at either its seventh or its eighth session the Assembly should in any event consider the possibility of continuing the Tribunal. On the strength of that report, the Secretary-General included the question of the continuation of the functions of the United Nations Tribunal in Libya in the additional list

of items proposed for inclusion in the agenda of the eighth session.

2. At its 435th plenary meeting, on 17 September 1953, the General Assembly decided, on the General Committee's recommendation, to include the item entitled "Question of the Continuation of the Functions of the United Nations Tribunal in Libya" in the agenda, and referred it to the Sixth Committee.

3. The Sixth Committee discussed the item at its 308th meeting, on 8 October 1953.

4. The Committee had before it an explanatory memorandum by the Secretary-General (A/2459) in which the

Secretary-General informed the General Assembly that, in response to a request for information which he had addressed to them, the Governments of Italy and Libya had announced that they considered that the Tribunal should be continued for some time, the Government of Libya having also expressed the view that the expenses of the Tribunal should continue to be borne by the United Nations.

5. A draft resolution (A/C.6/L.294) was submitted to the Committee by Argentina and Egypt. After noting, among other things, that negotiations had been begun between the Governments of Italy and Libya concerning the conclusion of the various agreements provided for in resolution 388 A (V), it resolved that the United Nations Tribunal should continue to function and it requested the Secretary-General, after consultation with the Governments concerned, to report on the question of the continuation of the functions of the Tribunal to the General Assembly at its tenth session.

6. An amendment (A/C.6/L.301) to the draft resolution was proposed by the United Kingdom. It proposed that the Secretary-General's report on the question should be presented not at the tenth, but at the ninth session. In support of his amendment, the United Kingdom representative said that, while in favour of the idea of continuing the Tribunal, he considered that the question of the Tribunal's future might with advantage be discussed by the General Assembly at its next session.

7. During the discussion several representatives noted the usefulness of the Tribunal and expressed the opinion that it should be continued until, in accordance with the wishes of the Governments of Italy and Libya, it had been able to settle the questions outstanding between Italy and Libya in connexion with the application of resolution 388 A (V).

8. The Committee voted first on the United Kingdom amendment. The amendment was rejected by 20 votes to 10, with 16 abstentions.

9. The draft resolution submitted by Argentina and Egypt was adopted, with slight drafting changes by the Committee, by 42 votes to none, with 6 abstentions.

Recommendation of the Sixth Committee

10. The Sixth Committee therefore recommends that the General Assembly should adopt the following draft resolution :

CONTINUATION OF THE FUNCTIONS OF THE UNITED NATIONS TRIBUNAL IN LIBYA

The General Assembly,

Recalling its resolution 388 A (V) of 15 December 1950 on the economic and financial provisions relating to Libya, article X of which set up a United Nations Tribunal in Libya and defined its functions,

Noting that the Governments of Italy and Libya are conducting negotiations for the conclusion of the various agreements provided for in resolution 388 A (V),

Noting that both those Governments, in their replies to a letter from the Secretary-General, state that they consider that the Tribunal should be continued for a further period,

Having noted the explanatory memorandum by the Secretary-General (A/2459) concerning the continuation of the functions of the Tribunal,

1. *Resolves that the United Nations Tribunal in Libya shall continue in existence ;*

2. *Requests the Secretary-General, after consultation with the Governments concerned regarding the future of the Tribunal, to report to the General Assembly at its tenth session.*

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted the above draft resolution, submitted by the Sixth Committee. For the final text, see resolution 792 (VIII).

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Document No.	Title	Page	Observations and references
A/1726	Report of the Ad Hoc Political Committee on economic and financial provisions relating to Libya		Official Records of the General Assembly, Fifth Session, Annexes, agenda item 21.
A/2459	Explanatory memorandum submitted by the Secretary-General	1	
A/2513	Report of the Sixth Committee	3	
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A/C.6/L.301	United Kingdom of Great Britain and Northern Ireland: amendment to the draft resolution submitted by Argentina and Egypt (A/C.6/L.294)	3	
A/RESOLUTION/113	Resolution adopted by the General Assembly at its 453rd plenary meeting, on 23 October 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 792 (VIII).



Agenda item 56 : The Tunisian question

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DOCUMENT A/2405

Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, and Yemen: request for the inclusion of an item in the provisional agenda of the eighth session

[Original text: English]
 [13 July 1953]

**LETTER DATED 9 JULY 1953 ADDRESSED TO THE SECRETARY-GENERAL
 OF THE UNITED NATIONS**

On instructions from our respective Governments, we have the honour to request that the following item be included in the provisional agenda of the eighth regular session of the United Nations General Assembly: "The Tunisian question".

The explanatory memorandum required under rule 20 of the rules of procedure of the General Assembly will follow.

(Signed)

M. Kabir LUDIN
*Permanent Representative of
 Afghanistan*

J. BARRINGTON
*Permanent Representative of
 Burma*

Rajeshwar DAYAL
*Permanent Representative of
 India*

SUDJARWO Tjondronegoro
*Permanent Representative of
 Indonesia*

M. Aly Kamel FAHMY
*for Permanent Representative of
 Egypt*

(Signed)

A. KHALIDY
*Permanent Representative of
 Iraq*

Edward A. RIZK
*Permanent Representative of
 Lebanon*

Richard S. S. BRIGHT
*Permanent Representative of
 Liberia*

Ahmed S. BOKHARI
*Permanent Representative of
 Pakistan*

Eduardo QUINTERO
*for Permanent Representative of
 the Philippines*

(Signed)

A. G. ARDALAN
Permanent Representative of
Iran

J. M. BAROODY
for Permanent Representative of
Saudi Arabia

Rafik ASHA
Permanent Representative of
Syria

(Signed)

Thanat KHOMAN
Permanent Representative of
Thailand

ABOU-TALEB
Permanent Representative of
Yemen

DOCUMENT A/2405/Add.1

Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand and Yemen: explanatory memorandum

[Original text: English]
[17 August 1953]

During its seventh session, the General Assembly of the United Nations considered the Tunisian question and on 17 December 1952 adopted resolution 611 (VII), which recommended certain means for relaxing the tension in Tunisia and for promoting a settlement.

The French Government has taken no effective measures to implement the clear recommendations of the General Assembly. On the contrary, it imposed certain so-called "reforms" which were incompatible with the aspirations of the Tunisian people; it also took repressive measures which seriously aggravated the already acute situation.

The French plan of "reforms" which provided for the participation of French citizens in the Tunisian Government (the Executive) and in Tunisian representative assemblies had previously been rejected by H.H. the Bey of Tunisia on several occasions, most notably in a letter dated 9 September 1952 addressed to the President of the French Republic. In reality the French proposals were designed to change the status of the Protectorate and put the country under Franco-Tunisian co-sovereignty. They were contrary to the commitments solemnly made and repeated by France to respect the full sovereignty of the Tunisian State and to lead Tunisia to self-government. Referring to the resolution which had been passed by the First Committee of the General Assembly on 12 December 1952, H.H. the Bey informed the French Government in his letter of 16 December 1952 that a resumption of negotiations was desirable, and added:

"In order to insure the positive conclusion of such negotiations, it is essential that they be carried on, on the Tunisian side, by a new cabinet having our confidence, and enjoying credit with the Tunisian people.

"Furthermore, it is our belief that the negotiations should take place in a cleared climate and a relaxed atmosphere".

This offer was refused by the French Government which, instead of negotiations, preferred to present H.H. the Bey with the alternative of according his consent to the reforms or being deposed. At the same time, the French Government sent a note to H.H. the Bey dated 19 December 1952 written in menacing terms. On 20 December 1952, M. de Boissezon, the Resident General's delegate, called on H.H. the Bey and demanded that the decrees concerning the "reform" of the rural assemblies and the municipalities receive his seal in token of assent, without delay. These "negotiations", it should be noted, took place in an atmosphere of general terror and repres-

sion throughout Tunisia. The cabinet members of M. Chenik's former government, from whom H.H. the Bey, in his own words, had withdrawn "neither his confidence nor his investiture" were still closely watched by the French authorities; the nationalist leader, M. Habib Bourguiba, as well as the other qualified representatives of the Tunisian people were still under arrest. The trade union leader and trusted counsellor of H.H. the Bey, M. Farhat Hached, Secretary-General of the Tunisian Federation of Labour, and member of the Executive Board of the International Confederation of Free Trade Unions, had only recently been assassinated. Almost all the forty Counsellors consulted by H.H. the Bey on the French proposals became targets of serious reprisals ranging from arrest to the destruction of their homes. The palace of H.H. the Bey was isolated by French troops while military operations and summary executions were carried out in other regions. Several particularly significant facts in connexion with these events appear in United Nations document A/2371, circulated on 19 March 1953.

Being confronted with such a situation by the French Government, H.H. the Bey was compelled, under duress, as he himself declared in his statement on 16 April 1953, to affix his seal on the decrees presented to him by M. de Boissezon. Without entering into the details of these decrees, it may be pointed out that the rural and municipal assemblies which the French Government "reformed" do not constitute an innovation in Tunisia. The rural assemblies—including the Councils of Kaidats—have been in existence since 1922. Municipal representation was already in existence in Tunisia before the Protectorate. The "reforms" imposed on H.H. the Bey, far from improving the existing representative institutions, have accentuated their defects. On the one hand, stringent French control is maintained over elections as candidates must have the approval of the French Administration before their application is entertained, and even when duly elected by a restricted electoral college limited to persons in certain categories which makes the right to vote extremely narrow, they are subject to disqualification by the French Administration which therefore exercises control not only on the machinery of elections but also on the functioning of the assemblies. On the other hand, the French nationals residing in Tunisia, although foreigners, have been granted political rights in the municipalities grossly out of proportion to their population sanctioning not only the anti-judicial practice of dual sovereignty but also vitiating the principle of democratic representation. These "reforms", consequently, cannot be viewed as effective steps towards

self-government but rather as steps towards the annexation of Tunisia to metropolitan France. They were condemned, for these reasons, by all Tunisian political parties, trade unions and economic organizations which considered, with justification, that the first and most urgent reform should be to restore Tunisian sovereignty by establishing real self-government, that is to say, by establishing an all-Tunisian executive body responsible to a Tunisian assembly elected by universal suffrage.

The protests of the Tunisian organizations, reflecting the opinion of the Tunisian people, were of no avail. The French Government proceeded with the elections for the rural and municipal assemblies during April and May 1953. Reports from Tunisia showed that the elections were accompanied by severe repressive measures, arbitrary reinforced martial law and Press censorship. Candidates were forced upon the electors and they were forced to go to the polls, with threats of reprisals if they did not vote. Despite these anti-democratic proceedings, candidates could not be found for several towns. Throughout the country, serious disturbances broke out which resulted in a large number of casualties. In reality, the elections instead of relaxing the atmosphere only increased the tension and promoted outbursts of violence.

It has become increasingly clear that the French Government impeded the establishment of conditions suitable for free negotiations with the true representatives

of the Tunisian people. In fact, under threats of deposition, the French Government has barred H.H. the Bey from choosing qualified representatives and even consulting the spokesmen of the Tunisian people. Instead of putting an end to further violations of Tunisian laws and human rights, the French military tribunals, under cover of martial law which has been effective since 1938, have persisted in pronouncing extremely severe sentences on Tunisians, very often on the basis of confessions extorted from them by torture, as described in communication SCA 264/23/062 and enclosures.

By deporting the patriots enjoying the confidence of H.H. the Bey and the Tunisian people, and by placing in authoritative positions men completely subservient to themselves, the French authorities have opened the way to a chain reaction of uprising and repression. The French Government, by subjecting Tunisia to what it calls "pacification operations" which are, in reality, nothing less than war operations in an undeclared war, has created and continues to maintain a permanent state of unsettlement which if allowed to continue may dangerously threaten international peace and security. In view of these circumstances, the Tunisian question is again brought to the attention of the General Assembly so that the Assembly may consider steps necessary to prevent a further deterioration of the situation and make recommendations for its peaceful settlement.

DOCUMENT A/C.1/L.64

Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen: draft resolution

[Original text: English]
[22 October 1953]

The General Assembly,

Having considered the question of Tunisia, as proposed by fifteen Member States in document A/2405,

Recalling its resolution 611 (VII) of 17 December 1952,

Noting that the objectives of this resolution have not yet been achieved,

Desirous of creating the necessary conditions for the restoration between France and Tunisia of normal relations based on the principle of equality of rights of nations large and small,

Convinced that full effect should be given to the sovereignty of the people of Tunisia by the exercise, as early as possible, of their legitimate rights to self-determination and self-government in conformity with the Charter,

1. *Recommends:*

(a) That all necessary steps be taken to ensure the realization by the people of Tunisia of their right to full sovereignty and independence; and especially;

(b) That the existing state of martial law and all other exceptional measures in operation in Tunisia be terminated, that political prisoners be released and that all civil liberties be established;

(c) That negotiations be undertaken without delay with representatives of a Tunisian Government established through free elections held on the basis of universal suffrage and enjoying the necessary guarantees of freedom, with a view to enabling the Tunisian people to exercise all the powers arising from their legitimate rights to full sovereignty;

2. *Requests* the Secretary-General to transmit this resolution together with the record of the proceedings to the French Government and to report to the General Assembly at its ninth session.

DOCUMENT A/2530

Report of the First Committee

[Original text: English]
[28 October 1953]

1. By a letter dated 9 July 1953 (A/2405), the permanent representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen requested that the Tunisian question should be included in the provisional agenda of the eighth session of the General Assembly. This letter was followed by an explanatory memorandum (A/2405/Add.1).

2. On 17 September, at its 435th meeting, the General Assembly decided to include the question in its agenda and referred it to the First Committee for consideration and report.

3. By a letter dated 7 October 1953 (A/C.1/L.58), the representative of France informed the Chairman of the First Committee that the French delegation would abstain from participating in the discussions in the Committee on the item. The Government of the French Republic considered that such discussions represented outright intervention by the United Nations in matters which were essentially within the domestic jurisdiction of France.

4. The First Committee considered the question at its 641st to 674th meetings inclusive, held from 21 to 26 October 1953.

5. On 22 October, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen submitted a joint draft resolution (A/C.1/L.64) which, after recalling General Assembly resolution 611 (VII) of 17 December 1952, provided, *inter alia*, that the General Assembly should (a) recommend that all necessary steps should be taken to ensure the realization by the people of Tunisia of their right to full sovereignty and independence; and especially (b) recommend that the existing state of martial law and all other exceptional measures in operation in Tunisia should be terminated, that political prisoners should be released and that all civil liberties should be established; (c) recommend that negotiations should be undertaken without delay with representatives of a Tunisian Government established through free elections held on the basis of universal suffrage and enjoying the necessary guarantees of freedom, with a view to enabling the Tunisian people to exercise all the powers arising from their legitimate rights to full sovereignty; and (d) request the Secretary-General to transmit the resolution, together with the record of the proceedings, to the French Government and to report to the General Assembly at its ninth session.

6. At the 647th meeting on 26 October, the Committee proceeded to vote by roll-call, paragraph by paragraph, on the thirteen-Power draft resolution, with the following results:

The first paragraph of the preamble was adopted by 38 votes to 11, with 5 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, China, Cuba, Czechoslovakia, Denmark, Egypt, Ethiopia, Greece, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Chile, Colombia, Dominican Republic, Haiti, Honduras, Israel, Luxembourg, Netherlands, Nicaragua, Union of South Africa.

Abstaining: Australia, Costa Rica, El Salvador, Turkey, United Kingdom of Great Britain and Northern Ireland.

The second paragraph of the preamble was adopted by 36 votes to 5, with 13 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Canada, China, Cuba, Denmark, Egypt, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, New Zealand, Norway, Pakistan, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, United States of America, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Chile, Netherlands, Nicaragua, Union of South Africa.

Abstaining: Australia, Byelorussian Soviet Socialist Republic, Colombia, Costa Rica, Czechoslovakia, Dominican Republic, El Salvador, Luxembourg, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

The third paragraph of the preamble was adopted by 29 votes to 16, with 11 abstentions, as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, Colombia, Dominican Republic, Ecuador, Israel, Luxembourg, Netherlands, Nicaragua, Panama, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Costa Rica, Cuba, El Salvador, Greece, Haiti, Honduras, New Zealand, Peru, Venezuela.

The fourth paragraph of the preamble was adopted by 33 votes to 13, with 10 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Chile, Colombia, Dominican Republic, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Costa Rica, Cuba, Ecuador, El Salvador, Greece, Haiti, Honduras, Israel, Turkey.

The fifth paragraph of the preamble was adopted by 34 votes to 14, with 8 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Greece, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, Colombia, Dominican Republic, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Cuba, Ecuador, El Salvador, Haiti, Honduras, Israel, Turkey.

Paragraph 1 (a) of the operative part was adopted by 32 votes to 19, with 5 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Costa Rica, El Salvador, Greece, Turkey.

Paragraph 1 (b) of the operative part was rejected by 26 votes to 23, with 7 abstentions, as follows:

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Bolivia, China, Costa Rica, El Salvador, Greece, Thailand.

Paragraph 1 (c) of the operative part was rejected by 26 votes to 22, with 8 abstentions, as follows:

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Bolivia, China, Costa Rica, El Salvador, Greece, Mexico, Thailand.

Paragraph 2 of the operative part was adopted by 26 votes to 25, with 5 abstentions, as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Egypt,

Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Costa Rica, El Salvador, Greece, Norway.

The joint draft resolution as a whole, as amended, was adopted by 29 votes to 22, with 5 abstentions, as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Costa Rica, El Salvador, Greece, Peru.

Recommendation of the First Committee

7. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Draft resolution

The General Assembly,

Having considered the question of Tunisia, as proposed by fifteen Member States in document A/2405,

Recalling its resolution 611 (VII) of 17 December 1952,

Noting that the objectives of this resolution have not yet been achieved,

Desirous of creating the necessary conditions for the restoration between France and Tunisia of normal relations based on the principle of equality of rights of nations large and small,

Convinced that full effect should be given to the sovereignty of the people of Tunisia by the exercise, as early as possible, of their legitimate rights to self-determination and self-government in conformity with the Charter,

1. *Recommends* that all necessary steps be taken to ensure the realization by the people of Tunisia of their right to full sovereignty and independence;

2. *Requests* the Secretary-General to transmit the present resolution, together with the record of the proceedings, to the French Government and to report to the General Assembly at its ninth session.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 457th plenary meeting, on 11 November 1953, the General Assembly rejected the above draft resolution submitted by the First Committee.

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A/2137	Letter dated 20 June 1952 from the permanent representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen to the Secretary-General		Mimeographed document only
A/2371	Note by the President of the General Assembly		Mimeographed document only
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A/2530	Report of the First Committee	4	
A/C.1/L.58	Letter dated 7 October 1953 from the Secretary of State for Foreign Affairs, Chairman of the French delegation, to the Chairman of the First Committee		<i>Officials Records of the General Assembly, Eighth Session, Annexes</i> , agenda item 57.
A/C.1/L.64	Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen: draft resolution	3	
A/C.1/L.65	Draft resolution adopted by the First Committee at its 647th meeting, on 26 October 1953		A/2530, paragraph 7
A/L.166	Iceland: amendments to the draft resolution proposed by the First Committee (A/2530)		Incorporated in the verbatim record of the 457th plenary meeting of the General Assembly, paragraphs 149, 150 and 151
S/2508	Letter dated 30 January 1952 addressed to the President of the Security Council from the representatives of Afghanistan, Burma, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria and Yemen, concerning Tunisia		<i>Officials Records of the Security Council, Seventh Year, Supplement for April, May and June 1952</i>
S/2571	Letter dated 29 March 1952 addressed to the Secretary-General from the permanent representative of Pakistan to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2574	Letter dated 2 April 1952 addressed to the President of the Security Council from the permanent representative of Indonesia to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2575	Letter dated 2 April 1952 addressed to the President of the Security Council from the acting permanent representative of Egypt to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2576	Letter dated 2 April 1952 addressed to the President of the Security Council from the acting permanent representative of Iraq to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2577	Letter dated 2 April 1952 addressed to the President of the Security Council from the permanent representative of Pakistan to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2578	Letter dated 2 April 1952 addressed to the President of the Security Council from the permanent representative of Saudi Arabia to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2579	Letter dated 2 April 1952 addressed to the President of the Security Council from the delegation of Afghanistan to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2580	Letter dated 2 April 1952 addressed to the President of the Security Council from the permanent representative of India to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2581	Letter dated 2 April 1952 addressed to the President of the Security Council from the liaison officer of Burma to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2582	Letter dated 2 April 1952 addressed to the President of the Security Council from the permanent representative of Iran to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2583	Letter dated 2 April 1952 addressed* to the President of the Security Council from the permanent representative of the Philippines to the United Nations, concerning Tunisia		<i>Ibid.</i>
S/2584	Letter dated 2 April 1952 addressed to the President of the Security Council from the representative of Yemen, concerning Tunisia		<i>Ibid.</i>



Agenda item 57: The question of Morocco

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DOCUMENT A/2406

Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen: proposal for the inclusion of an item in the provisional agenda of the eighth session

[Original text: English]

[13 July 1953]

9 July 1953

On instructions from our respective Governments, we have the honour to request that the following item be included in the provisional agenda of the eighth regular session of the United Nations General Assembly: "The question of Morocco".

The explanatory memorandum required under rule 20 of the rules of procedure of the General Assembly will follow.

(Signed)

M. Kabir LUDIN
Permanent representative of
Afghanistan
J. BARRINGTON
Permanent representative of
Burma
M. Aly Kamel FAHMY
Acting permanent representative of
Egypt

(Signed)

Rajeshwar DAYAL
Permanent representative of
India
SUDJARWO TJONDRONEGORO
Permanent representative of
Indonesia
A. G. ARDALAN
Permanent representative of
Iran

(Signed)

A. KHALIDY
Permanent representative of
Iraq

Edward A. RIZK
Permanent representative of
Lebanon

Richard S. S. BRIGHT
Permanent representative of
Liberia

Ahmed S. BOKHARI
Permanent representative of
Pakistan

Eduardo QUINTERO
Acting permanent representative of the
Philippines

(Signed)

J. M. BAROODY
Acting permanent representative of
Saudi Arabia

Rafik ASHA
Permanent representative of
Syria

Thanat KHOMAN
Permanent representative of
Thailand

ABOU-TALEB
Permanent representative of
Yemen

DOCUMENT A/2406/Add.1**Explanatory memorandum**

[Original text: English]
[17 August 1953]

The question of Morocco was included in the agenda of the seventh session of the General Assembly on the proposal of the delegations of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen. In submitting the proposal to the Assembly, these delegations presented an explanatory memorandum on the situation in Morocco. The memorandum is contained in document A/2175 and Add.1 and 2.

The Assembly at its seventh session considered the situation in Morocco arising out of the policies of the French Government and adopted resolution 612 (VII), the operative part of which reads as follows:

"1. Expresses the confidence that, in pursuance of its proclaimed policies, the Government of France will endeavour to further the fundamental liberties of the people of Morocco, in conformity with the Purposes and Principles of the Charter;

"2. Expresses the hope that the parties will continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations;

"3. Appeals to the parties to conduct their relations in an atmosphere of goodwill, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from any acts or measures likely to aggravate the present tension".

It is a matter for great concern that, in spite of the Assembly's recommendation, France has not taken any steps to further the fundamental liberties and to develop the free political institutions of the people of Morocco. In fact, the policies that have been pursued by France since the adoption of the Assembly resolution have only helped to aggravate the serious situation that existed in Morocco.

On 4 December 1952, Ferhat Hached, the Tunisian Labour Union leader, was assassinated in Tunis. On Sunday, 7 December, workers held meetings in various centres in Morocco to mourn his death. These meetings were of an entirely peaceful and orderly character. In Casablanca, the workers decided to hold a one-day general strike to show their sympathy for their Tunisian com-

rade. But at night, French police and armed forces occupied their living quarters and started rounding up the workers in order to take them to work by force. They arrested workers who refused to go to work and even opened fire with machine guns, killing a large number of workers and members of their families. Several hundred Moroccan men, women and children were killed in this unjustified massacre. As a consequence, incidents and clashes occurred in other towns and villages, adding to the number of the victims. This was the start of the wave of repression which has existed in Morocco for the last seven months with relentless severity.

Deeply concerned over the serious situation which began to develop in Morocco, a letter was addressed to the President of the General Assembly on 16 March 1953 (A/2372) by the delegations listed above. He was requested to place the views expressed in that letter "before the Government of France and urge it to take the prompt liberal measures required by the situation existing in Morocco and the trust reposed in France by the General Assembly, and in particular to bring about the early restoration of civil liberties and release of political prisoners". This approach was not heeded at all by the Government of France.

In fact conditions have worsened since then. Mass arrests have been made throughout Morocco and they have included workers, peasants, merchants, men of liberal professions, teachers and Moroccan government officials. No adequate reason had been given for taking such radical and exceptional measures. Any person whose contacts and personal ideas have not met the approval of the French Administration has been immediately arrested and sent to prison, concentration camp or exile. No trial worth the name has been held, and summary "justice" has been the rule. Deportation to the Sahara desert has been carried out on mere administrative orders without any resort even to a nominal judicial procedure. At police headquarters, "confessions" have been extorted by torture whereby several Moroccans have died under the most inhuman conditions. Although incomplete, the information contained in the letter and enclosures addressed to the Secretary-General of the United Nations (communication SCA 264/23/062) gives an idea of the conditions prevailing in Morocco.

It contains details of some of the Moroccans who have been killed and others who have been imprisoned or exiled. The brutality of French police measures shows no signs of decreasing. Moroccan villages and cities are subject to outrageous police raids at any hour of the day or the night, which has created a general feeling of insecurity and terror.

The condition and fate of some 8,000 political prisoners held in jails and exiled in the desert is a matter of deep concern to the Moroccan people and should be of equal concern to all Members of the United Nations. These prisoners and exiles are compelled to carry out hard labour duties, they are given poor food and poor medical care. These conditions have driven several persons to attempt suicide.

These and other arbitrary and exceptional measures are carried out under cover of martial law which was declared in Morocco in 1914 and has been in operation ever since, Major Floury, French Military Public Prosecutor, declared before the Casablanca Military Tribunal, on 11 February 1953, that "there is no residential decree which indicates that martial law was ever lifted. It, therefore, remains, in force". This declaration was upheld by his successor, Monsieur Hennequin, before the same court on 1 July 1953. Consequently, most public and individual liberties are denied to the Moroccan people. For instance, all the Moroccan nationalist Press (the Arabic dailies, *Al-Alam* and *Al-Maghreb*, the French weekly, *Al-Istiqlal*, the Arabic weekly, *Arraiu-al-Aam*, and the Arabic monthly, *Risalat-al-Maghreb*) was suspended from publication by a mere administrative order. The French Administration did not resort even to a fictitious trial to justify its arbitrary measures against the nationalist papers, their editors, correspondents or dealers.

Since the adoption of the resolution by the seventh session of the General Assembly, His Majesty Mohammed V, the Sultan of Morocco, has addressed three memoranda to the President and the Government of the French Republic, on 12 January, 15 April and 4 July 1953. He has tried to put into effect the hopes expressed by the General Assembly by proposing negotiations with France on an urgent basis toward developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations. In his official *communiqué* to his people, dated 17 June 1953, the Sultan reiterated his hopes to regain for his people the right to administer democratically their own affairs and to allow the country to take its place among modern nations, while guaranteeing the interests of France and the French settlers in Morocco. His efforts had been to achieve, through common accord with the French Government, an all-inclusive plan fulfilling the spirit of modern times within a limited period provided for in advance. His Majesty outlined in the *communiqué* his proposed all-inclusive plan which covers political, economic and social problems. His appeals to the French Republic were ignored and the French colonial administration in Morocco started exerting more pressure to force on the Sultan a certain "plan of reform" which has been repeatedly rejected by the sovereign and people of Morocco since 1947. These "reforms" would grant the French nationals residing in Morocco, who are actually foreigners and compose only 5 per cent of the population, 50 per cent representation in the municipal councils and in the Consultative Assembly. The grant of political rights to foreigners is not acceptable to the Moroccan people. Besides, if implemented, this French plan would

violate the sovereignty of Morocco as guaranteed by the Act of Algeciras of 1906 and also by the Treaty of Fez of 1912.

The situation has been further aggravated by continuous and systematic threats and attempts to depose the Sultan. These attempts, in fact, started in February 1951, but have taken a very alarming aspect since 24 May 1953. The manoeuvres to depose the Sultan are obviously premeditated and are staged by the French Administration. This can be seen from the report sent to the French Ministry of Foreign Affairs, in 1951, by General Boyer de la Tour, Secretary-General for Political and Military Affairs of the Protectorate, stating that the French had thought that they were strong enough to bring about the elimination of a sovereign whose personal resistance was becoming more embarrassing as each day went by and that, although everything seemed to be well prepared and in order for this contingency, they did not know how to go through with it to the end which constituted a heavy mortgage weighing on the future.

Now, it seems that the French Administration has decided to go through with the deposition of the Sultan. It has already "purged" the Moroccan Government by suspending and dismissing most of the high officials who refused to acquiesce with its colonial policy. It has replaced them by subservient officials who co-operate with the French against their own sovereign and people. Thereafter, the French Administration staged an internal revolt against the Sultan in the form of a "petition" signed by certain pashas and caids (administrators of cities and villages) demanding the dethronement of Mohammed V. The French authorities got the "petition" signed and forwarded it to the Government of France on 24 May 1953. Their intention was to mislead world public opinion into believing that the Moroccan people were against their sovereign and in favour of the French colonial rule. However, the aged Grand Vizir of Morocco (the Prime Minister) who had co-operated very closely with the French Administration since 1912, together with his fellow ministers, publicly disavowed this manoeuvre in a *communiqué* published on 3 June 1953. In the *communiqué* it was stated that the right which His Majesty had in choosing his representatives (caids, pashas, and so on) had suffered so many restrictions that it had become quasi-non-existing and that, since the legal relations between His Majesty the Sultan and the Government of the French Republic remained unchanged, it was to be hoped that the latter would, without delay, put an end to this instigated revolt, which seriously jeopardized Franco-Moroccan relations as well as tranquillity in the Sherifian Empire (Morocco). Furthermore, the *communiqué* clearly pointed out that the French Administration was responsible for the manoeuvre which led to the elaboration of the petition; that it exerted pressure on a great number of pashas and caids and that certain recent measures of suspension had not failed to play their decisive part in the intimidation.

There is no doubt that the situation is serious and, if allowed to continue, would imperil international peace and security. The United Nations, whose principal purpose is the maintenance of international peace and security, cannot afford to ignore it without risking serious consequences. It is, therefore, our earnest hope that the General Assembly at its eighth session will again consider the question of Morocco with a view to recommending to the French Government the necessary steps to be taken to remedy the situation and to bring about peace in that part of the world.

DOCUMENT A/C.1/L.58

Letter dated 7 October 1953 from the Chairman of the French delegation to the United Nations addressed to the Chairman of the First Committee

[Original text: French]
[7 October 1953]

Sir,

I have the honour to inform you that the French delegation will abstain, as it did last year, from participating in the impending discussions in the First Committee on items 56 and 57 of the agenda of the eighth session of the General Assembly.

The Government of the French Republic considers that the General Assembly cannot, without contravening the provisions of Article 2, paragraph 7, of the Charter, interfere in the relations between France and its two North African protectorates, and in these circumstances the French delegation is unable to associate itself with discussions which, in its opinion, represent outright intervention by the United Nations in matters which are essentially within the domestic jurisdiction of France.

I should be grateful if you would inform our colleagues of this decision.

(Signed) Maurice SCHUMANN
Secretary of State for Foreign Affairs,
Chairman of the French delegation

DOCUMENT A/C.1/L.59

Pakistan: draft resolution

[Original text: English]
[7 October 1953]

The Chairman of the First Committee, on behalf of the members of the First Committee, requests the Government of France to reconsider its decision to abstain from the debate on Morocco in the First Committee and by its presence assist the Committee to come to a fair and equitable solution of the question of Morocco.

DOCUMENT A/C.1/L.60

Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen: draft resolution

[Original text: English]
[9 October 1953]

The General Assembly,

Having considered the question of Morocco, as proposed by fifteen Member States in document A/2406,

Recalling its resolution 612 (VII) of 19 December 1952,

Noting that this resolution has not so far been implemented,

Convinced that full effect should be given to the sovereignty of the people of Morocco by the exercise, as early as possible, of their legitimate rights to self-determination and self-government in conformity with the letter and spirit of the Charter,

Recognizing that negotiations should take place with the true representatives of the Moroccan people with a view to transferring to them all powers emanating from their legitimate right to full sovereignty,

1. Recommends:

(a) That the existing state of martial law and other exceptional measures in Morocco be terminated, that political prisoners be released and that all public liberties be restored;

(b) That democratic representative institutions for the people of Morocco through free elections on the basis of universal suffrage be established;

(c) That all necessary steps be taken to ensure, within five years, the complete realization by the people of Morocco of their rights to full sovereignty and independence;

2. Requests the Secretary-General to communicate with the French Government with a view to the implementation of the present resolution and to report to the General Assembly at its ninth session.

DOCUMENT A/C.1/L.61**Bolivia : draft resolution**

[Original text : Spanish]
[16 October 1953]

The General Assembly,

Having debated the question proposed by fifteen Member States in document A/2406,

Bearing in mind General Assembly resolution 612 (VII) of 19 December 1952,

Considering that the purposes and objectives of that resolution had and continue to have the merit of expressing a general desire for the development of the free political institutions of the people of Morocco,

Considering that the fact that this item is included in the agenda of the General Assembly at its eighth session indicates that that desire has not yet been fulfilled,

1. *Renews* its appeal for the reduction of tension in relation to the question of Morocco and again expresses its confidence and hope that the free political institutions of the people of Morocco will be developed in conformity with the spirit of the United Nations Charter.

DOCUMENT A/2526**Report of the First Committee**

[Original text : English]
[22 October 1953]

1. By a letter dated 9 July 1953 (A/2406), the permanent representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen requested that the question of Morocco should be included in the provisional agenda of the eighth session of the General Assembly. This letter was followed by an explanatory memorandum (A/2406/Add.1).

2. At its 435th meeting on 17 September 1953, the General Assembly decided to include the question in its agenda and referred it to the First Committee for consideration and report.

3. The First Committee considered the question at its 629th to 640th meetings inclusive, held from 7 to 19 October.

4. By a letter dated 7 October (A/C.1/L.58) the representative of France informed the Chairman of the First Committee that the French delegation would not participate in the Committee's discussions on the item. The French delegation considered that such discussions represented outright intervention by the United Nations in matters which were essentially within the domestic jurisdiction of France.

5. On 7 October, Pakistan submitted a draft resolution (A/C.1/L.59), providing that the Chairman of the First Committee, on behalf of the members of the Committee, should request the Government of France to reconsider its decision to abstain from the debate on the Moroccan question in the Committee and by its presence assist the Committee to come to a fair and equitable solution of the question. At the 630th meeting on 8 October, the representative of Pakistan stated that he would withdraw his draft resolution, since it appeared that it would not have the unanimous support of the members of the Committee.

6. On 9 October, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen submitted a draft resolution (A/C.1/L.60), which provided, *inter alia*, that

the General Assembly should (a) recommend that the existing state of martial law and all other exceptional measures in Morocco should be terminated, that political prisoners should be released and that all public liberties should be restored; (b) recommend that democratic representative institutions for the people of Morocco through free elections on the basis of universal suffrage should be established; (c) recommend that all necessary steps should be taken to ensure, within five years, the complete realization by the people of Morocco of their rights to full sovereignty and independence; and (d) request the Secretary-General to communicate with the French Government with a view to the implementation of the resolution and to report to the General Assembly at its ninth session.

7. On 16 October, Bolivia submitted a draft resolution (A/C.1/L.61), which provided, *inter alia*, that the General Assembly, bearing in mind its resolution 612 (VII) of 19 December 1952, should renew its appeal for the reduction of tension in relation to the question of Morocco and again express its confidence and hope that the free political institutions of the people of Morocco would be developed in conformity with the spirit of the United Nations Charter.

8. On 19 October, Burma, India and Indonesia submitted amendments (A/C.1/L.62) to the Bolivian draft resolution (A/C.1/L.61) which, *inter alia*, (a) added to the preamble a new paragraph recognizing the right of the people of Morocco to complete self-determination in conformity with the Charter; and (b) amended the operative paragraph to provide that the General Assembly should renew its appeal for the reduction of tension in Morocco and urge that the right of the people of Morocco to free democratic political institutions should be ensured.

9. At the 640th meeting on 19 October, the Committee rejected the thirteen-Power draft resolution (A/C.1/L.60) by a roll-call vote of 28 to 22, with 9 abstentions, as follows:

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Haiti, Honduras, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Argentina, Bolivia, China, Costa Rica, El Salvador, Greece, Mexico, Sweden, Thailand.

10. At the same meeting, the Committee proceeded to vote paragraph by paragraph on the Bolivian draft resolution (A/C.1/L.61) and the amendments thereto submitted by Burma, India and Indonesia (A/C.1/L.62), with the following results:

After the incorporation of several drafting amendments, the first and second paragraphs of the preamble were adopted by 40 votes to 9, with 9 abstentions.

The amendments relating to the third paragraph were adopted by 33 votes to 15, with 10 abstentions.

The third paragraph, as amended, was adopted by 34 votes to 17, with 5 abstentions.

The amendment relating to the fourth paragraph was adopted by 30 votes to 18, with 9 abstentions.

The fourth paragraph, as amended, was adopted by 31 votes to 21, with 7 abstentions.

The amendment adding a new fifth paragraph to the preamble was adopted by a roll-call vote of 36 to 13, with 9 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Greece, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, Colombia, Dominican Republic, Luxembourg, Netherlands, New Zealand, Panama, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cuba, Ecuador, El Salvador, Haiti, Honduras, Israel, Nicaragua, Paraguay, Turkey.

The amendment to the operative paragraph was adopted by 30 votes to 18, with 9 abstentions.

The Bolivian draft resolution as a whole, as amended, was adopted by a roll-call vote of 31 to 18, with 9 abstentions, as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, El Salvador, Greece, Israel, Paraguay, Peru, Turkey, Uruguay, Venezuela.

Recommendation of the First Committee

11. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

THE QUESTION OF MOROCCO

The General Assembly,

Having considered the question of Morocco proposed by fifteen Member States in document A/2406,

Recalling General Assembly resolution 612 (VII) of 19 December 1952,

Considering that the motives and objectives of that resolution had and continue to have the merit of recognizing the necessity for the development of the free political institutions of the people of Morocco,

Considering that the fact that this item has been included in the agenda of the General Assembly at its eighth session indicates that those objectives have not yet been fulfilled,

Recognizing the right of the people of Morocco to complete self-determination in conformity with the Charter,

Renews its appeal for the reduction of tension in Morocco and urges that the right of the people of Morocco to free democratic political institutions be ensured.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 455th plenary meeting, on 3 November 1953, the General Assembly rejected the above draft resolution submitted by the First Committee.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2175/Add.2	Letter dated 14 October 1952 from the permanent representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia and Yemen to the Secretary-General		Official Records of the General Assembly, Seventh Session, Annexes, agenda item 65
A/2406	Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen: proposal for the inclusion of an item in the provisional agenda of the eighth session	1	
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A/C.1/L.61	Bolivia: draft resolution	5	
A/C.1/L.62	Burma, India and Indonesia: amendments to the draft resolution submitted by Bolivia (A/C.1/L.61)		Incorporated in the record of the 640th meeting of the First Committee, paras. 26, 27, 28 and 29
A/C.1/L.63	Draft resolution adopted by the First Committee at its 640th meeting on 19 October 1953		A/2526, para. 11
S/3085	Letter dated 21 August 1953 from the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen to the United Nations, addressed to the President of the Security Council		Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953
E/2377 and Corr.1	Aspects of Economic Development in Africa: report by the Secretary-General		Mimeographed document only

**GENERAL
ASSEMBLY**

Official Records

**ANNEXES**

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

RECEIVED

JUN 23 1954

- Agenda item 58: Publication of documents concerning the drafting and application of the Charter
- Agenda item 70: Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter
- Agenda item 72: Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States

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Publication of documents concerning the drafting and application of the Charter

DOCUMENT A/2415

Argentina: proposal for the inclusion of an item in the provisional agenda of the eighth session

[Original text: Spanish]
[15 July 1953]

New York, 13 July 1953

I have the honour to inform the Secretary-General that I have received instructions from my Government to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly:

"Publication of documents concerning the drafting and application of the Charter."

In pursuance of rules 12 and 13 of the rules of procedure of the General Assembly (A/520/Rev.2), I therefore request the Secretary-General to include the above item in the agenda of the next session of the General Assembly.

The explanatory memorandum required under rule 20 of the rules of procedure is attached.

(Signed) Enrique FERRER VIEYRA,
Acting Chargé d'Affaires.

EXPLANATORY MEMORANDUM

1. In proposing the inclusion in the agenda of the eighth session of the General Assembly of the item "Publication of documents concerning the drafting and application of the Charter", the Government of Argentina has been guided by the basic principle that all work done by the United Nations must conform to the provisions contained in the Charter.

2. In that connexion, some provisions of the Charter have sometimes given rise to varying interpretations, which has made it necessary to refer to the preparatory work. It is likewise very important to know the interpretation given and practice followed by the various organs of the United Nations in applying the provisions in question. In that connexion various difficulties are often encountered, the main ones being as follows:

(a) Part of the official documents of the San Francisco Conference are not in practice available for consultation—for instance, the summary records of the Co-ordination Committee. Without reference to those documents it is impossible to acquire a complete knowledge of the process of the drafting of the Charter. Moreover, as far as the Argentine delegation is aware, there are only two sets of the documents in question in the possession of the United Nations, one in the archives and the other in the Library. It is easy therefore to understand the difficulties encountered in consulting them.

(b) Experience has shown that it is often difficult to trace the history of certain articles through the various stages of their drafting by the different sub-committees and committees of the Conference. The documentation is so voluminous that it would take a very long time to do so without a complete index covering all the committees and sub-committees. The compilation of a subject index would be very helpful to governments and delegations.

(c) Even when all the San Francisco documents on a certain subject are to hand, it is a very lengthy task to trace the history of the drafting of the passage concerned, and a legislative history of the Charter, based exclusively on the official documents and written objectively and without comment, would therefore be of the greatest value to governments.

(d) In the seven years that the United Nations has been in existence, a number of its organs have acquired extensive experience in applying the provisions of the Charter and in so doing have created precedents. In view of the multiplicity of the documents, it is difficult to obtain an adequate knowledge of the practice thus established. A repertory of the practice of United Nations organs on selected subjects, based exclusively on official documents and written objectively and without comment, would be most useful.

3. In order to eliminate the difficulties indicated above, the Argentine Government proposes that the Secretary-General be given the necessary means to prepare and publish: (a) a systematic compilation of the documents of the San Francisco Conference not yet published; (b) a complete index of all the documents of the San Francisco Conference; (c) a systematic and comprehensive study of the legislative history of the Charter; and (d) a repertory of the practice followed by the main organs of the United Nations on given subjects.

4. The Argentine delegation hopes that the General Committee of the Assembly will consider favourably its Government's proposal for the inclusion of the item in the agenda of the eighth session of the General Assembly.

5. The Argentine delegation likewise hopes that all the delegations to the General Assembly, which no doubt have had similar difficulties in studying the provisions of the Charter, will support the proposal for the publications requested, believing that that will facilitate a better knowledge of the Charter.

DOCUMENT A/2415/Add.1**Argentina : draft resolution**

[Original text : Spanish]
[15 September 1953]

The General Assembly,

Considering that one of the best methods of acquiring knowledge of the Charter is to study its legislative history and the practice followed by the various organs of the United Nations in applying it,

Considering that the study of the legislative history of the Charter and of the practice followed in applying it can be carried out by the United Nations Secretariat on the basis of the official documents,

Requests the Secretary-General to arrange to publish, before the end of 1954 :

1. A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

2. A complete index of all the documents of that Conference ;

3. A systematic and comprehensive study of the legislative history of the Charter ;

4. A repertory of various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise.

**Preparatory work with regard to the possible holding of a General Conference
of the Members of the United Nations in accordance with
Article 109 of the Charter**

DOCUMENT A/2442

Netherlands : request for the inclusion of an additional item in the agenda of the eighth session

[Original text : English]
[18 August 1953]

New York, 16 August 1953

I have the honour, upon instructions received from my Government, to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly, in accordance with rule 14 of the rules of procedure of the General Assembly :

"Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter".

An explanatory memorandum as required under rule 20 of the rules of procedure is attached.

(Signed) D. J. VON BALLUSECK

EXPLANATORY MEMORANDUM

1. In proposing the inclusion in the agenda of the eighth session of the General Assembly of the item mentioned in the above letter, the Netherlands Government has in mind the provisions of Article 109 of the Charter of the United Nations.

2. Under paragraph 3 of Article 109 a proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter shall be placed on the agenda of the tenth annual session of the General Assembly, if such a conference has not been held before that session.

3. In the view of the Netherlands Government the examination by the tenth annual session of the question of a General Conference could be facilitated by pre-

paratory work to be undertaken by the Secretary-General and by individual Member States.

4. This preparatory work could in the first place consist of a compilation or repertory of the jurisprudence of the United Nations. The preparation and publication of such documentation should be entrusted to the Secretary-General. For this purpose funds should be made available if necessary.

5. The Netherlands Government believes that the study envisaged in paragraph 3 (d) of the explanatory memorandum to the new item proposed by the Government of Argentina (A/2415) could at the same time cover the preparatory work mentioned in paragraph 4 of the Netherlands memorandum, if it were undertaken with due regard to Article 109 of the Charter.

6. Furthermore, the new item proposed by the Netherlands Government envisages the possibility of an invitation to Member States to give their preliminary views with regard to the possible revision of the Charter and to submit tentative proposals and suggestions.

7. The item submitted by the Netherlands Government could therefore lead to :

(a) The preparation by the Secretary-General of the study envisaged in paragraph 3 of the explanatory memorandum to the item proposed by the Government of Argentina (A/2415), with due regard to Article 109 of the Charter ;

(b) An invitation to Member States to submit, prior to the tenth annual session, their preliminary views with regard to the possible revision of the Charter and tentative proposals and suggestions.

**Amendment of the Charter : election of a technical committee
to study and report on the amendment of the Charter on the basis
of proposals to be submitted by Member States**

DOCUMENT A/2466

Egypt: request for the inclusion of an additional item in the agenda of the eighth session

[Original text : English]
[10 September 1953]

New York, 9 September 1953

I have the honour, upon instructions received from my Government, to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly in accordance with rule 14 of the rules of procedure of the General Assembly :

"Amendment of the Charter : election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States."

An explanatory note as required under rule 20 of the rules of procedure will follow.

(Signed) Ahmed Galal Eldine ABDELRAZEK,
Permanent representative of
Egypt to the United Nations.

DOCUMENT A/2466/Add.1

Egypt: Explanatory memorandum

[Original text : English]
[15 September 1953]

The United Nations Charter needs revision. It was drafted under special international circumstances which do not now prevail. Some of its basic provisions have become outdated, some others have not been implemented and many ought to be reviewed in the light of the experience acquired.

According to Article 109, paragraph 3, a proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter shall be placed on the agenda of the tenth annual session of the General Assembly. Obviously, the revision of the Charter is a delicate problem involving important political issues and considerations. It cannot properly be done unless the preliminary work is prepared with foresight, care and skilful technical knowledge. Views

of the governments of Member States and non-governmental bodies should be taken into account, analysed and co-ordinated so as to create the necessary proper atmosphere for the success of the coming General Conference and to facilitate the ratification of the amendments to be introduced.

The Egyptian delegation believes that it is advisable to elect a technical committee of Member States to prepare such work. This proposal is complementary to those of the Netherlands (A/2442) and Argentina (A/2415) and the proposals of the three States could be easily linked together.

The Egyptian delegation has the honour to propose the inclusion of this item in the agenda of the eighth regular session of the United Nations General Assembly.

**Publication of documents concerning the drafting and application of the Charter
Preparatory work with regard to the possible holding of a General Conference of the
Members of the United Nations in accordance with Article 109 of the Charter**

**DOCUMENT A/C.6/343
Memorandum by the Secretary-General**

[Original text: English]
[16 October 1953]

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INTRODUCTION

1. The Secretary-General has the honour to refer to the explanatory memorandum (A/2415) and the draft resolution (A/2415/Add.1) submitted by Argentina and to the explanatory memorandum (A/2442) submitted by the Netherlands in connexion respectively with items 58 and 70 of the agenda of the General Assembly, which propose that the Secretary-General be given the necessary means to prepare and publish:

- (a) A systematic compilation of the documents of the San Francisco Conference not yet published;
- (b) A complete index of all the documents of the San Francisco Conference;
- (c) A systematic and comprehensive study of the legislative history of the Charter; and
- (d) A repertory of the practice followed by the main organs of the United Nations on given subjects.

2. In connexion with the above, the Secretary-General submits herewith some observations for the information of the General Assembly. The four parts of this memorandum relate to and follow the order of the four points which make up the Argentine proposal.

PART I

Publication of Official Records of San Francisco Conference

3. In paragraph 2 (a) of the explanatory memorandum of Argentina (A/2415) it is stated that some of the official documents of the San Francisco Conference, including the records of the Co-ordination Committee, are not easily available for consultation. In paragraph 3 (a) of the memorandum the proposal is made that the Secretary-General be given the necessary means to prepare and publish a systematic compilation of the documents not yet published.

4. In order to assist the General Assembly in arriving at a decision on this question, the Secretary-General presents below a brief description of the official records of the San Francisco Conference and of the most comprehensive published collection of those records in existence, together with a statement of some of the problems which would have to be taken into consideration should the General Assembly decide to publish the documents referred to in the Argentine proposal.

A. Scope of Conference documents

5. The official records of the United Nations Conference on International Organization included a *Journal*, agendas for the various meetings, minutes of those meetings, working documents and reports.

6. Verbatim minutes were prepared for the meetings of the Plenary Conference and the Commissions of the Conference,¹ while summarized minutes only, or "summary reports," were issued for meetings of other organs² of the Conference.

7. The summary reports of the meetings of the Advisory Committee of Jurists were issued as working documents of the Co-ordination Committee,³ although the former was in no way subordinate to the Co-ordination Committee, but functioned to review—from the point of view of terminology—the texts prepared by the latter, and eventually reviewed the text of the whole draft Charter.

8. Verbatim minutes of Committee discussions were also taken, but only in typewritten form. These verbatim minutes were available to the Secretariat and to delegates for consultation only. However, those minutes which presented no guarantees of accuracy were not considered part of the official records of the Conference and were never released for publication.

9. All the documents, with the exception of the *Journal*, which were printed, were issued in mimeographed or photo-offset form. With few exceptions all documents were issued in English; most of them also appeared in French, some in Russian and Spanish and a few in Chinese.

B. UNIO publication of Conference documents

10. Before the close of the San Francisco Conference, arrangements were made by the United Nations Information Organization (UNIO), in collaboration with the Library of Congress, for the publication of the unrestricted documentation. As a result, a set of these documents was published,⁴ comprising fifteen volumes together with a sixteenth index volume issued in 1946, reproduced in photo-offset form.

11. One thousand sets were originally printed for the United Nations Information Organization. The entire issue was destined for sale only, and no free distribution was made to Members of the United Nations. When UNIO transferred its activities to the United Nations, a remaining stock of 390 sets were transferred to the United Nations, of which 150 are still available.

C. Documents not included in the UNIO edition

12. The UNIO edition is the most comprehensive existing published compilation of the documents of the San Francisco Conference. However, certain documents were not included in that publication, namely:

(a) The documents of the Co-ordination Committee, and

¹ Commission I (General provisions), Commission II (General Assembly), Commission III (Security Council), Commission IV (Judicial Organization).

² The General Committees—Steering, Executive, Co-ordination, and Credentials—the Advisory Committee of Jurists, and the twelve Technical Committees.

³ Accordingly, all references in this memorandum to documents of the Co-ordination Committee include the summary reports of the Advisory Committee of Jurists.

⁴ *Documents of the United Nations Conference on International Organization*. Michigan: Edwards Brothers, Inc., 1945.

(b) The verbatim minutes of the discussions of the Committees.

13. With regard to the documents of the Co-ordination Committee, restrictions against the publication of those documents existed at the time of the publication of the UNIO sets. Since those restrictions were lifted only in 1947,⁵ the Co-ordination Committee documents were not included in that publication, with the exception of some (amounting to 261 pages) which were included in volume 15 of the UNIO edition.

14. As regards the verbatim minutes of the Committee discussions, it has already been pointed out above (paragraph 8) that those minutes were not part of the official records of the Conference.

15. It is assumed, therefore, that the explanatory memorandum submitted by Argentina (A/2415) proposes the publication of the documents of the Co-ordination Committee. For reasons already given above, it is further assumed that the publication of the verbatim minutes of that Committee or of the other Committees of the Conference is not contemplated.

D. Problems and financial implications involved in the publication of Co-ordination Committee documents

16. Should it be decided to publish only the documents of the Co-ordination Committee, it may be anticipated that these documents could be contained in two new published volumes. Certain problems will have to be resolved in deciding on their publication, namely:

(a) The languages of publication, and

(b) Whether to publish the Co-ordination Committee documents which have already been published by UNIO.

17. With regard to the first problem, it may be noted that 316 pages of the Co-ordination Committee documents have not been translated into French. Consideration should therefore be given to the question of the completion of the French translation. Some additional workload for the Secretariat would be involved, but it is expected that if sufficient time is provided this could be absorbed by the services concerned without disruption of their other activities.

18. With respect to the second problem, it would appear that in order to make the two new volumes self-contained the Co-ordination Committee papers which have already been published in volume 15 of the UNIO sets should be reproduced as appropriate in the suggested new volumes.

19. The estimated printing costs would depend upon the decision as regards the above problems and would vary as follows:

	600 sets US \$	1,000 sets US \$
(a) Publication of documents in language of submission without additional translation (1,624 pages)	5,600	6,000
(b) Publication of documents with additional translation (1,940 pages)	6,000	6,250
(c) Publication of documents as in (a) above, together with reprinting of relevant parts of volume 15 of UNIO set (1,885 pages)	6,000	6,250

⁵ The question of lifting those restrictions was left by the Conference to the Preparatory Commission for the United Nations. The latter, however, did not act upon the recommendation. In 1946, the Secretary of State of the United States transmitted the Co-ordination Committee documents to the Secretary-General of the United Nations, together with a note referring to the latter the question of removing the restrictions against their publication. In 1947, the Secretary-General lifted those restrictions.

	600 sets US \$	1,000 sets US \$
(d) Publication of documents as in (b) above, together with reprinting of relevant parts of volume 15 of UNIO set (2,201 pages)	6,400	6,600

20. The estimated revenue would depend upon the following distribution arrangements:

	US \$
(a) Two volumes containing only documents not yet published:	
(i) Restricted free official distribution (estimated sale of 250 copies of each volume)	2,500
(ii) Unrestricted free official distribution (estimated sale of 125 copies of each volume)	1,250
(b) Two volumes containing documents published in volume 15 of UNIO edition together with documents not yet published:	
(i) Restricted free official distribution (estimated sale of 500 copies of each volume)	5,000
(ii) Unrestricted free official distribution (estimated sale of 300 copies of each volume)	3,000

PART II

Index of Documents of the San Francisco Conference

21. Paragraph 2 (b) of the explanatory memorandum submitted by the Government of Argentina (A/2415) refers to the voluminous documentation of the San Francisco Conference and to the difficulty which exists at present in tracing the history of certain articles of the Charter through the various stages of their drafting by the organs of the Conference. In paragraph 3 (b) of the memorandum the Government of Argentina proposes that the Secretary-General be given the necessary means to prepare and publish a complete index of all the documents of the Conference.

22. The index to the fifteen-volume set published by the United Nations Information Organization, which is only a page index, does not present a chronological development of the Charter texts, which is called for by the Argentine proposal, nor does it refer to the summary reports of the Co-ordination Committee, which have not been published up to the present.

A. Form and contents

23. The Secretariat has examined the possibility of preparing a chronological and synoptical index of the documentation of the Conference which would also cover such documents of the Conference as the General Assembly may decide to publish. Such a comprehensive index volume would consist of two parts.

24. Part A would be an index to the legislative history of the Charter. Each article or, when appropriate, each significant paragraph of an article would be traced chronologically through the various organs of the Conference until its final adoption in plenary session. A reference to the relevant proposals, amendments and other documents would be included.

25. An analytical subject index would follow immediately after each such article or paragraph. The more significant subjects dealt with by these provisions would be brought out by references to the meetings at which the discussion took place and to the delegations which participated in the discussion.

26. Part B would be an alphabetical key to specific subjects with reference to the appropriate articles indexed in part A. This key would also include references to the matters not pertinent to individual articles of the Charter but to the Conference in general, such as the composition of committees and the rules of procedure.

27. The following tables could be added to these two parts of the index:

(a) A table of meetings, showing the number and the date at which the meetings were held and the relevant document symbol.

(b) Check lists of documents, in straight numerical sequence and by document symbol, giving a brief title for each document.

c) A table of correspondence between the articles of the Dumbarton Oaks proposals and the United Nations Charter.

28. As an example of the indexing which is proposed, one paragraph of an article of the Charter (paragraph 7 of Article 2) has been traced through the published documents as well as through the documents not yet published of the Co-ordination Committee and of the Advisory Committee of Jurists. It should be noted that although care has been taken to include all relevant data, absolute completeness is not claimed. Such completeness can be assured only after all the documents of the Conference have been indexed. It should also be noted that no references are made to the verbatim records, but that such material could be incorporated if it were decided to publish these records as well.

B. Financial implications

29. In the absence of precise information as to the bulk of the documentation to be published it is very difficult to make accurate estimates of the cost of the index, as described above. The preparation of an English or French index only would require one month of the time of an indexer experienced in United Nations documentation for each volume of the size and format of the fifteen UNIO volumes. Thus, if the documents of the Co-ordination Committee only were published in two volumes supplementing the existing fifteen, approximately seventeen man-months would be required to index the seventeen volumes. If the verbatim records or other related documents were also published, the work of indexing them would increase accordingly, i.e., at the rate of about one additional man-month per volume of documents published.

30. To prepare both English and French indexes according to the same plan would require about one and a half man-months per volume of documents.

31. Clerical assistance at the intermediate level in proof-reading and typing would amount to about eight man-months for the English and French index only, or about thirteen man-months for an index in the two languages.

32. It is expected that temporary assistance funds would be required only for replacement of the indexer during the period of his assignment. The salary cost involved would be \$5,750 for twelve man-months or about \$12,500 for the maximum estimated period of twenty-five months.

33. Additional expenditure would have to be incurred for printing of the index. The amount would depend on the number of pages, typography and format of one volume. It is unlikely, however, that the printing costs would be less than \$10,000.

C. Example of index proposed

A

Index to Legislative History

NOTE: Numerals in parentheses refer to volumes and pages of the published set of documents.

CHARTER; ARTICLE 2 (7)

Dumbarton Oaks Proposals. Chap. VIII, sect. A, para. 7. Doc. 1, G/1 (III, 1-23):

Amendments, comments and proposals:

Colombia. Doc. 2, G/14(s) (III, 588)
Czechoslovakia. Doc. 2, G/14(b) (III, 467)
Greece. Doc. 2, G/14(h) (III, 533)
Liberia. Doc. 2, G/14(a) (III, 464)
Mexico. Doc. 2, G/7(c) (III, 65-69)

USA, United Kingdom, USSR, China (Four sponsoring Governments). Doc. 2, G/29 (III, 623).

STEERING COMMITTEE

Documents:

Informal memorandum on possible organization of the Conference. (V, 9).

Report. Doc. 32, DC/7, 27 April 1945. (V, 116).

Informal memorandum on possible organization of Conference approved.

Report. Doc. 31, DC/6, 27 April 1945. (V, 126).

Article allocated to Commission I.

PLENARY SESSIONS

Action:

5th meeting, 30 April 1945. Doc. 42, P/10. (I, 359).

Allocation of article to Commission I approved.

COMMISSION I, TECHNICAL COMMITTEE 1

Documentation for meetings of Committee I/1.

Doc. 215, I/1/10. (VI, 525-571).

Proposals:

Australia. Doc. 969, I/1/39. (VI, 436).

Belgium. Doc. 914, I/1/A/20. (VI, 691).

Norway. Doc. 929, I/1/37. (VI, 430).

Discussion:

8th meeting, 17 May 1945. Doc. 423, I/1/20. (VI, 310).

Referred to Sub-Committee A. (VI, 312).

SUB-COMMITTEE A

Documents:

Text of Chapter II. Doc. 656, I/1/A/16. (VI, 688).

Report. Doc. 739, I/1/A/19(a) (VI, 723).

Discussion:

15th meeting, 11 June 1945. Doc. 926, I/1/36. (VI, 424).

16th meeting, 13 June 1945. Doc. 976, I/1/40. (VI, 494-499).

17th meeting, 14 June 1945. Doc. 1019, I/1/42. (VI, 507-513).

Report of Sub-Committee A adopted.

Report (Addendum to appendix to Rapporteur's report) Doc. 994, I/1/34(1)(c). (VI, 485).

Report (Supplement to report of Rapporteur)

Doc. 1070, I/1/34(1)(d). (VI, 486-489).

CO-ORDINATION COMMITTEE

Discussion:

22nd meeting, 15 June 1945. WD 410, CO/170. (Vol.—, p.—*).

ADVISORY COMMITTEE OF JURISTS

Discussion:

15th meeting, 18 June 1945. WD 405, CO/157. (Vol.—, p.—*).

COMMISSION I

Discussion:

2nd meeting, 15 June 1945. Doc. 1123, I/8. (VI, 83).

3rd meeting, 19 June 1945. Doc. 1167, I/10. (VI, 108-113).

Report. Doc. 1142, I/9. (VI, 231), Doc. 1179, I/9(1), (VI, 247).

CO-ORDINATION COMMITTEE AND ADVISORY COMMITTEE OF JURISTS

Documents:

Tentative drafts [of the Charter] of the Co-ordination Committee and the Advisory Committee of Jurists. Doc. 1033, CO/141(1), 21 June 1945. (XV, 56).

Draft Charter as finally approved in English by both the Co-ordination Committee and the Advisory Committee of Jurists on 22 June 1945. Doc. 1159, CO/181, 23 June 1945. (XV, 173).

Action:

Complete text of Charter agreed upon at 22nd meeting of the Advisory Committee of Jurists, 22 June 1945. WD 423, CO/187. (Vol.—, p.—*).

STEERING COMMITTEE

Action:

11th meeting, 23 June 1945. Doc. 1213, ST/23 (V, 311).
Draft Charter approved.

* Document has not yet been published.

PLENARY SESSIONS

Action:

9th meeting, 25 June 1945. Doc. 1210, P/20 (I, 631).
Charter approved. Text (XI, 335-553).

Analytical Subject Index

COMPARISON WITH LEAGUE OF NATIONS COVENANT

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Peru; VI, 496, Uruguay; VI, 498, Norway); 17th meeting, 14 June 1945. (VI, 507, USA; VI, 510, Belgium).

Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 109, Uruguay; VI, 111, Belgium).

DOMESTIC JURISDICTION: MEANING

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 496, Argentina, Uruguay); 17th meeting, 14 June 1945. (VI, 508, USA; VI, 509, Greece, Peru; VI, 511, Belgium).

Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 109-110, Uruguay).

"ESSENTIALLY WITHIN THE DOMESTIC JURISDICTION"

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Peru); 17th meeting, 14 June 1945. (VI, 511, Belgium; VI, 511-512, Australia).

EXCEPTIONS IN ENFORCEMENT MEASURES

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 497, China).

INTERNATIONAL COURT OF JUSTICE: JURISDICTION

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Greece); 17th meeting, 14 June 1945. (VI, 508, USA; VI, 509, Greece, USA; VI, 510, Czechoslovakia; VI, 511, Australia; VI, 512, Peru).

Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 112, Belgium).

INTERVENTION: MEANING

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Mexico).

RELATION TO OTHER CHARTER PROVISIONS

Chapter I, Article 2(5): Discussion in Committee I/1: 17th meeting, 14 June 1945. (VI, 509, USA).

Chapter VII: Discussion in Committee I/1: 15th meeting, 12 June 1945. (VI, 424, Australia). 16th meeting, 13 June 1945. (VI, 497, China).

Chapter X: Discussion in Committee I/1: 17th meeting, 14 June 1945. (VI, 507, 508, USA; VI, 510, Belgium).

B

Alphabetical subject key

Domestic jurisdiction: *See under* Charter. Art. 2 (7)

Dumbarton Oaks Proposals:

arrangement for discussion. XV, 14-18

comments and proposed amendments. III, 24-636

guide. III, 637-710

text. III, 637-710

"Essentially within the domestic jurisdiction": *See under* Charter. Art. 2 (7)

Enforcement measures:

exceptions: *See under* Charter. Art. 2 (7)

International Court of Justice:

jurisdiction:

and domestic jurisdiction: *See under* Charter. Art. 2 (7)

Intervention: *See under* Charter. Art. 2 (7)

League of Nations:

Covenant:

and domestic jurisdiction: *See under* Charter. Art. 2 (7)

Non-intervention: *See under* Charter. Art. 2 (7)

United Nations Conference on International Organization:

Advisory Committee of Jurists:

functions. II, 591; V, 317; XV, 6

Advisory Committee on Languages:

establishment. II, 625-626

functions. II, 593-595

Agenda. V, 117-118

Commission I (General provisions)

members. XV, 581-583, 641-649

officers. VI, 3-4, 9

procedure. VIII, 6, 7

report. VIII, 249-256

revision. VIII, 265-272

Committee I/1 :

- documents used. VI, 525-641
- officers. VI, 3-4, 9, 263
- procedure. VI, 268-269, 281, 297, 333, 342-343
- rapporteur's report to Commission I. VI, 387-401, 446-460
- addendum. VI, 483, 485
- appendix. VI, 402-404, 461-463
- supplement. VI, 486-489
- Sub-Committee I/1/A :
- composition. VI, 696
- rapporteur's report. VI, 696-707, 717-723
- terms of reference. V, 126 ; VI, 269-270.

PART III

A Systematic and Comprehensive Study of the Legislative History of the Charter

34. Under paragraph 3 (c) of its explanatory memorandum (A/2415), the Government of Argentina envisaged the publication by the Secretary-General of "a systematic and comprehensive study of the legislative history of the Charter". The Secretariat has, for some time, been making an effort to compile a legislative history of the Charter and has made some modest progress in that work. Recently, however, the project had to be deferred in order to give priority to another, namely, that of the preparation of a *répertoire* of the practices of the United Nations under the Charter, referred to in Part IV below, the existing resources of the Secretariat being insufficient for both projects to be undertaken at the same time.

A. Form and content

35. A legislative history of the Charter might take either of the following two forms. First, it might be a self-contained legislative history, including therein all material in the official records of the San Francisco Conference. This would present a complete account of the various stages of deliberations on all the main issues and would obviate the necessity of the reader's consulting the records of the Conference. On the other hand, such a work would assume voluminous proportions, amounting to a rearrangement, albeit with some abbreviations, of all the official records, and it may well be that not all of the material thus included would be of interest to the delegations. It is estimated that such a work would require a team of some ten officers for approximately one and a half years. Assuming that the average length of the legislative history of an article is 50 pages, the finished work on the whole Charter would become a document of some 5,500 typewritten pages.

36. Alternatively, a legislative history of the Charter might take a less complete form: it might give a briefer summary of the various stages of the deliberations at San Francisco, omitting reference to issues which had no direct bearing upon the evolution of a given provision of the Charter and citing less extensively statements of delegates. Such a work would be more concise and more readable. On the other hand, it would not present a self-contained legislative history and the reader might, on occasion, still find it necessary to resort to the San Francisco records. It is estimated that a work of such reduced proportions would require a team of officers approximately of the same size as that required for the more complete form stated in the preceding paragraph. The finished work, however, would be more concise, amounting to probably some 2,500 typewritten pages.

B. Financial implications

37. The preparation and publication of the proposed legislative history of the Charter, having the form and content outlined in paragraphs 35 and 36 above, would involve additional expenditure both for temporary staff and for printing. While the direction of the project would be undertaken by existing senior staff and several

research assistants would, as a priority matter, be detailed to the project from work elsewhere in the Secretariat, it is nevertheless probable that an expenditure for temporary assistance would be required.

For the present it is assumed that extra funds of about \$28,750 for 1954 and \$14,375 for the first half of 1955 would be needed. This would allow for the recruitment of five research assistants at the associate officer level for a period of one and a half years. Printing of the proposed legislative history would entail the following estimated costs :

	US \$
(i) Self-contained legislative history (English only, 5,500 typewritten pages) ..	30,000
(ii) Summarized legislative history (English only, 2,500 typewritten pages) ..	16,000

38. At the present time it is not possible to estimate the revenue which would be derived from either of the above-mentioned publications, but it is believed that such revenue would be negligible.

C. A comprehensive index in lieu of legislative history

39. In the event that the General Assembly does not wish to incur the additional expenditures necessary for the publication of a legislative history of the Charter, as estimated above, it may be that one main purpose of publishing a legislative history might be achieved by the preparation and publication of the comprehensive index volume described in part II above. Such an index would enable a reader to find the relevant documents of the San Francisco Conference and to trace the history of the drafting of a provision of the Charter. It would also contain, as stated above, references to specific subjects, indicating relevant documentation and discussions. All of these documents would be available if the unpublished documents of the San Francisco Conference are published as contemplated under paragraph 3 (a) of the Argentine explanatory memorandum.

PART IV

A Repertory of Practice of United Nations Organs

40. In paragraph 2 (d) of its explanatory memorandum (A/2415), the Government of Argentina noted that a number of organs of the United Nations have acquired during the last seven years an extensive experience in applying the provisions of the Charter and have established precedents in this respect. Pointing to the difficulty of obtaining an adequate knowledge of the practice so established, in view of the multiplicity of the relevant documents, the Government of Argentina states that, "A repertory of the practice of United Nations organs on selected subjects, based exclusively on official documents and written objectively and without comment, would be most useful", and proposes in paragraph 3 (d) of the memorandum that the Secretary-General should be given the necessary means to prepare and publish "a repertory of the practice followed by the main organs of the United Nations on given subjects".

41. The Netherlands Government, which proposed the inclusion in the agenda of the item entitled "Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter", states in paragraph 4 of its explanatory memorandum (A/2442) that "This preparatory work could in the first place consist of a compilation or repertory of the jurisprudence of the United Nations. The preparation and publication of such documentation should be entrusted to the Secretary-General. For this purpose funds should be made available if necessary." The Netherlands Government further indicates, in paragraph 5 of its memorandum, that the study envisaged in paragraph 3 (d) of the explanatory

memorandum relating to the item proposed by the Government of Argentina, could, at the same time, cover the preparatory work envisaged by the Netherlands Government, if it were undertaken with due regard to Article 109 of the Charter.

42. In order to facilitate the consideration by the General Assembly of these aspects of the items proposed by Argentina and the Netherlands, the Secretary-General wishes to inform the Assembly of the activities which have been undertaken by the Secretariat in similar fields.

A. Studies previously undertaken by the Secretariat

43. Various sections of the Secretariat have in the past undertaken as part of their normal work, or pursuant to requests by United Nations organs, studies or decisions taken and practices developed by the Organization in specific fields. In this connexion it may be recalled that General Assembly resolution 686 (VII) of 5 December 1952 authorized the Secretary-General to undertake as soon as possible "the publication of... a *répertoire* of the practice of the Security Council". This *répertoire*, which is in the course of preparation, will be completed in the early part of 1954 (see also paragraph 48 below).

B. Co-ordinated study of the application of the Charter

1. Scope

44. More recently the Secretary-General, in consultation with senior officials of the Secretariat, has given attention to the usefulness at this time of a more co-ordinated study regarding the application of the provisions of the Charter. As a result, the Secretary-General decided that the first project to be undertaken would be the preparation of a repertory of practices under the Charter, and that the work on the historical background of the Charter would be developed in the light of the experience gained in preparing the repertory. It will be noted that the projected repertory corresponds closely to the proposals of the Argentine and Netherlands delegations referred to above.

45. The object of the Secretariat study is to provide in a concise and useful form a summary of United Nations practice in respect of all the articles of the Charter, emphasis being placed upon those articles or provisions in regard to which significant practice has developed in the organs of the United Nations throwing light upon the interpretation or application of particular provisions. The material would be organized primarily under the various articles of the Charter, though in many cases a significant problem or topic would be dealt with under inter-related articles, while in other cases, a topic falling under a part of an article would be treated separately. As the work on each article progresses, consideration would be given to the appropriateness of including in the analysis the historical background of the relevant article. In brief, the purpose of the study would be to produce a clear and concise reference work including appropriate references to the records, with a treatment of the substance of the article which would be comprehensive enough and sufficiently analytical to provide the basis for conclusions to be drawn by the reader. The highest degree for objectivity would be observed throughout.

46. The work has been organized in the following manner. A preliminary and tentative list of articles was allocated to each of the substantive departments of the Secretariat, on the understanding that this selection was a tentative one and subject to modifications in the light of the experience gained in the actual study. Within each department, an official has been given responsibility for

co-ordinating and expediting the study. These officials form a working group, headed by an official appointed by the Secretary-General, which meets to consider common problems of treatment and over-all co-ordination of the study. Another group known as the "review group" is to deal with questions of policy relating to the study brought to its attention by the working group.

47. The study is at present in a planning and preparatory stage. The Secretary-General will, in the future orientation of the project, take full account of the ideas expressed and the decisions reached by the General Assembly on the items proposed by the Governments of Argentina and the Netherlands.

2. Relation to other studies

48. With regard to the *répertoire* of practice of the Security Council undertaken by the Secretary-General under General Assembly resolution 686 (VII), it should be noted that its preparation is based upon the views expressed in the Sixth Committee and set forth in the report of the Secretary-General on the subject.⁶ In accordance with these views, the material in this study will not necessarily bear directly on the articles of the Charter, but will be organized and arranged on the basis of the problems which have arisen in the practice of the Council. Upon the completion of the Security Council *répertoire*, however, it will be possible to reorganize and rearrange a selection of the material contained therein so as to prepare a more concise and analytical study bearing specifically on the articles of the Charter in the same field. Thus, in that sense there will be no duplication between the two studies and, moreover, the detailed work on the *répertoire* of the Security Council will greatly facilitate the preparation of that portion of the contemplated general study on the application of the Charter which will bear on the articles relative to the Security Council.

49. It may also be useful to observe that the Secretariat project would differ in its approach and its scope from similar undertakings already initiated by national and international bodies which, according to information received by the Secretariat, devote their efforts to the clarification of national points of view with respect to the Charter or to the elaboration of proposals for revision of Charter provisions.

3. Financial implications

50. As regards staffing and expenditure, it will be noted that, at present, the work on the project described above is being undertaken by the existing staff and facilities on a departmental basis with an inter-departmental co-ordinating machinery. It is envisaged that, when some of the departmental studies are concluded on specific articles of the Charter, a larger measure of co-ordination with respect to substance and presentation of the material gathered will be required. It may be estimated, therefore, that the full-time services of at least two officials will be necessary, a senior officer assisted by an associate or second officer, to perform the necessary co-ordination and editorial work under the direction of the chairman of the working group. Funds to the amount of some \$18,640 will be required for temporary assistance for this purpose over a period of one year. Expense may also have to be incurred for translating and publishing in mimeographed form the material gathered, although an effort will be made to carry out this work within the limits of normal budgetary allocations.

⁶ Official Records of the General Assembly, Seventh Session, Annexes, agenda item 55, document A/2170, paras. 100 and 101.

C. Financial implications of Argentine proposal

51. Having regard to the similarity between the co-ordinated study of the application of the provisions of the Charter described above and the proposal made by Argentina in paragraph 2 (d) of its explanatory memorandum, it is expected that the financial implications of the Argentine proposal would be the same as those given in paragraph 50 above.

ANNEX

SUMMARY OF FINANCIAL IMPLICATIONS

The costs summarized below do not reflect the total cost of work to be accomplished under the Argentine proposal, in view of the assumption that much of the substantive and languages staff required for the several projects would be detailed from the existing establishment on a priority assignment basis. It has also been assumed that common staff costs related to the recruitment proposed could be provided within normal appropriations.

	Approximate range of additional costs	
	Min. US \$	Max. US \$
I. Publication of official records of the San Francisco Conference:		
Printing	5,600 ^a	6,600 ^a
II. Index of San Francisco documents:		
Personnel	5,750	12,500
Printing	10,000	10,000
III. Legislative history of the Charter:		
Personnel	43,125	43,125
Printing	16,000	30,000
IV. Repertory of practice of United Nations organs:		
Personnel	18,640	18,640
TOTAL	99,115	120,865

^a There would, however, be an estimated revenue of \$1,250 to \$5,000.

DOCUMENT A/C.6/L.305

Costa Rica and Egypt: draft resolution

[Original text: English]
[19 October 1953]

The General Assembly,

Having regard to the provision of Article 109, paragraph 3, of the Charter,

Mindful of the fact that the General Assembly in compliance with this provision may decide to hold a General Conference for the purpose of reviewing the present Charter,

Recognizing that the examination of the proposal to hold this General Conference would require considerable preparatory work,

Recognizing further that the work and deliberations of this General Conference—in case the General Assembly should decide to convene it—would be considerably facilitated if a comprehensive study were made of the provisions of the Charter as applied by the various organs of the United Nations,

1. Requests the Secretary-General to prepare all the relevant documents and materials necessary for the preparatory work and the study mentioned above;

2. Decides to establish an advisory committee composed of fifteen Member States to assist the Secretary-General in the preparatory work necessary for the possible convening for the General Conference referred to in Article 109, paragraph 3, of the Charter;

3. Requests this Committee to:

(a) Prepare a questionnaire to be circulated by the Secretary-General to the Member States to ascertain their preliminary views on what they may deem appropriate for the purpose of the General Conference referred to in Article 109 of the Charter;

(b) Receive, examine, analyse and co-ordinate the views expressed by the Member States;

(c) Report to the General Assembly not later than 30 June 1955;

4. Invites the Member States to submit their views on the questionnaire communicated to them by the Secretary-General.

DOCUMENT A/C.6/L.306/Rev.1⁷

Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan: draft resolution

[Original text: English]
[21 October 1953]

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly

facilitate consideration by the tenth annual session of the question of calling a General Conference,

1. Requests the Secretary-General to prepare before the end of 1954:

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published;

(b) A complete index of all the documents of that Conference;

⁷ The text of draft resolution A/C.6/L.306, dated 19 October 1953, which is not printed in this fascicule, is identical with the present revised text, but Canada was not included among the sponsors of the original text.

(c) A systematic and comprehensive study of the legislative history of the Charter ;

(d) A repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise ;

2. *Invites* the Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter ;

3. *Requests* the Secretary-General to circulate these preliminary views to Member States as soon as they have been submitted.

DOCUMENT A/C.6/L.306/Rev.2

Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan : revised draft resolution

[Original text : English]

[26 October 1953]

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly facilitate consideration by the tenth annual session of the question of calling a General Conference,

1. *Requests* the Secretary-General to prepare and publish during 1954, or shortly thereafter :

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

(b) A complete index of all the documents of that Conference ;

(c) A systematic and comprehensive study of the legislative history of the Charter ;

(d) A repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise ;

2. *Invites* the Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter ;

3. *Requests* the Secretary-General to circulate these preliminary views to Member States as soon as they have been submitted.

DOCUMENT A/C.6/L.307

Belgium, Colombia, France and Mexico : amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text : French]

[26 October 1953]

1. Replace the preamble to the draft resolution by the following :

"The General Assembly,

"Considering that any measure likely to lead to a more thorough knowledge of the Charter is conducive to the efficient functioning of the United Nations,

"Considering that a study of the preparatory work on the Charter and of the practice followed by the

various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter,

"Considering that such a study may be made with the help of the official documents by the Secretary-General of the United Nations,"

2. Delete paragraph 2 of the operative part.

3. Delete paragraph 3 of the operative part.

DOCUMENT A/C.6/L.308/Rev.1^a

Australia and United Kingdom of Great Britain and Northern Ireland : amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text : English]

[31 October 1953]

1. Add, as fourth paragraph of the preamble :

"Having regard to the memorandum by the Secretary-General (A/C.6/343),"

2. Amend sub-paragraph (b) of operative paragraph 1 to read as follows :

"(b) A complete index of the documents of that Conference on the lines envisaged in Part II and Part III C of the memorandum by the Secretary-General ;"

3. Delete sub-paragraph (c) of operative paragraph 1.

4. Amend sub-paragraph (d) of operative paragraph 1 to read as follows :

"(c) A repertory of the practice of United Nations organs appropriately indexed ;"

^a The original draft resolution, A/C.6/L.308, dated 26 October 1953, which is not printed in this fascicule, is substantially identical with the present revised text. The two texts differ as follows :

(a) Australia was not included among the sponsors of the original text.

(b) Points 2 and 3 of the present text were combined in a single point, numbered 2, in the original text, and point 4 in the present text was point 3 in the original text.

DOCUMENT A/C.6/L.309/Rev.2

El Salvador: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: Spanish]
[30 October 1953]

1. *First paragraph of the preamble*: Delete the word "present" in the phrase "reviewing the present Charter".

2. *Third paragraph of the preamble*: Delete the words "is one of the best methods of acquiring knowledge of the Charter and", and the words "by the tenth annual session".

3. *Third paragraph of the preamble*: At the end of the paragraph, omit the comma and add the words "with the object of reviewing the Charter".

4. *Paragraph 1 of the operative part*: After the words "prepare and publish" insert the words "and to circulate among the States Members".

DOCUMENT A/C.6/L.310

Panama: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: Spanish]
[28 October 1953]

1. Delete paragraph 2 of the operative part and replace by the following:

"2. *Invites* the Member States to submit, preferably not later than 31 March 1955, their objections to the Charter and their views with regard to the possible review of the Charter";

2. Delete paragraph 3 of the operative part and replace by the following:

"3. *Requests* the Secretary-General to circulate these objections and preliminary views to Member States

as soon as they have been submitted, so that each Member State can express its opinion thereon";

3. Add the following after paragraph 3 of the operative part:

"4. *Instructs* the Secretary-General to submit all the above documentation to the General Assembly at its session in 1955 so that the Assembly can consider whether a General Conference should be convened to take a definitive decision regarding such amendments to the Charter as may be necessary and advisable."

DOCUMENT A/C.6/L.312

Czechoslovakia: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: English]
[3 November 1953]

1. Delete sub-paragraph (c) of operative paragraph 1.

2. Delete sub-paragraph (d) of operative paragraph 1.

DOCUMENT A/C.5/560

Financial implications of the draft resolution adopted by the Sixth Committee (A/C.6/L.313) estimate submitted by the Secretary-General

[Original text: English]
[16 November 1953]

1. The Sixth Committee adopted at its 380th meeting on 4 November 1953 a draft resolution (A/C.6/L.313) in which the Secretary-General is requested to prepare, publish and circulate among the Member States during 1954, or shortly thereafter, the following documentation:

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published;

(b) A complete index of the documents of that Conference; and

(c) A repertory of the practice of United Nations organs appropriately indexed.

2. The financial implications of the draft resolution are as outlined below.

Systematic compilation of unpublished documents of the San Francisco Conference

In accordance with the opinions expressed in the Sixth Committee, it is proposed to publish the Co-ordination Committee documents in English and French. This will involve the translation of an additional 316 pages into French.

It is also proposed to include in this publication relevant parts of volume 15 of the set published by the United Nations Information Organization (UNIO). It is estimated that 1,000 copies of each volume would be adequate for sales and distribution purposes as outlined by the Secretary-General in the memorandum which he submitted to the Sixth Committee (A/C.6/343).

Such a systematic compilation could be prepared by existing staff in the course of 1954. Extra funds of \$6,600 would be required, however, for publishing the compilation in 1954. Revenue from sales, realizable in 1955, is estimated at \$2,500.

Complete index of documentation of the San Francisco Conference

The preparation and publication in English and French of a complete index of the documents of the United Nations Conference on International Organization as envisaged in part II and part III C of the Secretary-General's memorandum (A/C.6/343) would necessitate the full-time services of three indexers (including one with legal qualifications) for approximately twelve months. This estimate is made on the basis of seventeen volumes of documents to be indexed in English and French.

Clerical assistance in proof-reading and typing would amount to about thirteen man-months for an index in two languages, and would be provided within the existing establishment.

Additional temporary assistance funds totalling \$18,830 would be required, however, to cover the employment in 1954 of three indexers (two associate officers at \$5,750 per annum and one second officer at \$7,330 per annum).

At the present time, it is difficult to estimate accurately the printing costs, which would depend on number of pages, typography and format of the volumes. It is thought that these costs, which would also arise in 1954, would not be less than \$10,000.

Repertory of practice of United Nations organs

Work on the repertory of the practice of United Nations organs is at present being undertaken by existing staff on a departmental basis with an inter-departmental co-

ordinating committee. In addition, the full-time services of at least two staff members (one senior officer and one second officer) will be needed, over a period of one and a half years, to perform the necessary co-ordination and editorial work. It is intended to provide these staff members by detail from work elsewhere in the Secretariat and without requesting replacement posts.

The Repertory would be published in 1955 in mimeographed form in English and French, involving the translation of about 1,000 pages of text. The cost, if accounted for separately, would be approximately \$14,000. Provision for this work would be made in the normal budgetary proposals for 1955.

3. The additional cost of implementing the draft resolution totals \$35,430 for the year 1954. Of this sum, \$18,830 is for temporary assistance under section 6^a (Library) and the remaining \$16,600 is for contractual printing under section 26 (Publications). Common staff costs related to temporary assistance requirements would be absorbed within the normal appropriations for section 17 of the 1954 budget. Revenue of \$3,000 would result from staff assessment in 1954 and \$2,500, not realizable until 1955, is anticipated from sales of publications.

4. In consequence of the above costs, the over-all requirements for sections 6^a and 26 of the 1954 budget would be increased as follows:

	Section 6 ^a US \$	Section 26 US \$
Estimates approved by Fifth Committee (first reading)	460,300	718,300
Supplementary requirements	18,830	16,600
	479,130	734,900
Revised estimates		

Publication of documents concerning the drafting and application of the Charter

Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter

Amendment of the Charter : election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States.

DOCUMENT A/2559

Report of the Sixth Committee

[Original text: English]
[19 November 1953]

I. INTRODUCTION

1. The three items to which the present report relates were placed on the agenda of the eighth session of the General Assembly upon the request of the permanent representatives of Argentina, the Netherlands and Egypt, respectively. As provided in rule 20 of the rules of procedure, the proposals of the three Member States were accompanied by explanatory memoranda giving reasons for their submission (A/2415, A/2442, A/2466/Add.1).

2. At its 435th plenary meeting, held on 17 September 1953, the General Assembly decided, on the recommendation of the General Committee, to include the items

entitled "Publication of documents concerning the drafting and application of the Charter"; "Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter"; "Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States" in the agenda of its eighth session and to refer the items to the Sixth Committee for consideration.

3. The Sixth Committee considered the three items jointly from its 37th meeting, held on 19 October 1953, to its 380th meeting, held on 4 November 1953.

4. A memorandum containing observations on the first two items was submitted by the Secretary-General to the Sixth Committee for its information (A/C.6/343). In his memorandum the Secretary-General presented a detailed description of the official records of the San Francisco Conference and indicated, in particular, that the only official records not published up to the present were the documents of the Co-ordination Committee, including the summary reports of the Advisory Committee of Jurists. The memorandum described the manner in which a chronological and synoptical index of the documentation of the Conference could be prepared by the Secretariat and indicated that the preparation of a systematic and comprehensive study of the legislative history of the Charter, previously undertaken, had had to be deferred in order to give priority to the preparation of a repertory of the practices of the United Nations under the Charter. The suggestion was made that the main purpose of publishing a legislative history might be achieved by the preparation of a comprehensive index to the San Francisco documentation. The memorandum also contained a report on the initial steps taken within the Secretariat with a view to a preparation of a co-ordinated history of the application of the Charter provisions. A summary of the financial implications of the proposals before the Committee was annexed.

II. PROPOSALS SUBMITTED TO THE SIXTH COMMITTEE

5. The following draft resolutions were before the Committee:

(a) A draft resolution by Argentina (A/2415/Add.1) which stated in its preamble that one of the best methods of acquiring knowledge of the Charter was to study its legislative history and the practice followed by the various organs of the United Nations in applying it, and that this study could be carried out by the Secretariat on the basis of the official documents. The operative part provided that the General Assembly would request the Secretary-General to arrange to publish, before the end of 1954: (1) a systematic compilation of the documents of the United Nations Conference on International Organization not yet published; (2) a complete index of all the documents of that Conference; (3) a systematic and comprehensive study of the legislative history of the Charter; and (4) a repertory of various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise.

(b) A draft resolution by Costa Rica and Egypt (A/C.6/L.305) the preamble of which referred to Article 109, paragraph 3, of the Charter, and stated that the examination of the proposal to hold a General Conference for the purpose of reviewing the Charter would require considerable preparatory work, and that the work and deliberations of the General Conference—in case the General Assembly should decide to convene it—would be considerably facilitated if a comprehensive study were made of the provisions of the Charter as applied by the various organs of the United Nations. The operative part of the draft resolution proposed that the General Assembly should (1) request the Secretary-General to prepare all the relevant documents and materials necessary for the preparatory work and study mentioned in the preamble; (2) establish an advisory committee composed of fifteen Member States to assist the Secretary-General in the preparatory work necessary for the possible convening of the General Conference, referred to in Article 109, paragraph 3, of the Charter. The advisory committee would be requested to prepare a questionnaire to be circulated to the Member States to ascertain their preliminary views on what they might deem appropriate for the purpose of the General Conference; to receive,

examine, analyse and co-ordinate the views expressed by the Member States; and to report to the General Assembly not later than 30 June 1955. Member States would be invited to submit their views on the questionnaire prepared by the advisory committee.

(c) A draft resolution by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2), which also referred in the preamble to the provisions of Article 109 of the Charter and stated that the examination of a proposal to hold a General Conference would require considerable preparation on the part of both the Secretary-General and Member States. It expressed the view that a study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations would be one of the best methods of acquiring knowledge of the Charter and would greatly facilitate the Assembly's consideration, at its tenth annual session, of the question of calling a General Conference. Under paragraph 1 of the operative part of this draft resolution, the General Assembly would request the Secretary-General to prepare and publish during 1954, or shortly thereafter: (a) a systematic compilation of the documents of the United Nations Conference on International Organization not yet published; (b) a complete index of all the documents of that Conference; (c) a systematic and comprehensive study of the legislative history of the Charter; (d) a repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they had given rise. Under paragraph 2 the General Assembly would invite Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter, and under paragraph 3 it would request the Secretary-General to circulate these preliminary views to Member States as soon as they had been submitted.

6. The following amendments were submitted to the draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan:

(a) An amendment submitted by Belgium, Colombia, France and Mexico (A/C.6/L.307) which proposed to substitute for the preamble of the six-Power draft resolution a statement that any measure likely to lead to a more thorough knowledge of the Charter would be conducive to the efficient functioning of the United Nations; that a study of the preparatory work on the Charter and of the practice followed by the various organs of the United Nations would be one of the best means of acquiring knowledge of the Charter; and that such a study might be made with the help of the official documents by the Secretary-General. The amendment further proposed to delete paragraphs 2 and 3 of the operative part of the draft resolution.

(b) An amendment submitted by Australia and the United Kingdom (A/C.6/L.308/Rev.1) which proposed: (1) to add a fourth paragraph to the preamble of the six-Power draft resolution referring specifically to the memorandum by the Secretary-General (A/C.6/343); (2) to amend sub-paragraph (b) of operative paragraph 1 to read as follows: "(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General"; (3) to delete sub-paragraph (c); and (4) to replace sub-paragraph (d) by the following sub-paragraph: "(c) A repertory of the practice of United Nations organs appropriately indexed".

(c) An amendment submitted by El Salvador (A/C.6/L.309/Rev.2) which proposed to make certain drafting changes in the preamble of the six-Power draft resolution and to indicate in paragraph 1 of the operative part that the Secretary-General would not only prepare and publish

the documentation requested but that he would also circulate that documentation among the Member States.

(d) An amendment submitted by Panama (A/C.6/L.310) which proposed to replace paragraph 2 of the operative part of the six-Power draft resolution by a paragraph inviting the Member States to submit, preferably not later than 31 March 1955, their objections to the Charter and their views with regard to the possible review of the Charter; to replace paragraph 3 of the operative part by a request to the Secretary-General to circulate these objections and preliminary views to Member States as soon as they had been submitted so that each Member State could express its opinion thereon; and to add a fourth paragraph instructing the Secretary-General to submit all the documentation which he would prepare in accordance with the resolution to the General Assembly at its session in 1955 so that the Assembly could consider whether a General Conference should be convened to take a definitive decision regarding such amendments to the Charter as might be necessary and advisable.

(e) An amendment submitted by Czechoslovakia (A/C.6/L.312) which proposed to delete sub-paragraphs (c) and (d) of operative paragraph 1 of the six-Power draft resolution.

III. DISCUSSION IN THE SIXTH COMMITTEE

Study of the Charter and Charter review

7. During the discussion which took place in the Committee, consideration was given to the question of the relation between the proposals before the Committee and the question of Charter review under paragraph 3 of Article 109.

8. A number of delegations held the view that it was desirable to make such preparations now as would enable governments in 1955 to reach a considered opinion on the question whether a General Conference should be convened to review the Charter. It was the view of those delegations that the provisions of Article 10 and of paragraph 1 of Article 109 of the Charter were sufficiently broad to enable the General Assembly to undertake such preparations. Without committing themselves on the question whether a revision of the Charter would be desirable, several delegations expressed themselves in favour of holding a General Conference for the purpose of reviewing the Charter. Other delegations went further and asserted that the Charter required revision, but it was recognized that revision could not be effected without the approval of each of the permanent members of the Security Council.

9. Some delegations favoured technical studies, but wished to avoid linking them at the present time to the question of reviewing the Charter. In their view, it was premature to deal with the question of review and it was even doubtful whether the General Assembly was competent to undertake any activities bearing directly on the review of the Charter, since Article 109 entrusted that task to a General Conference and not to any of the existing organs of the United Nations.

10. Some delegations opposed the adoption of the proposals submitted to the Committee and maintained that they were indirect attempts to abolish the unanimity rule and to undermine the basic principles of the Charter. In their opinion, it was not likely that extensive and costly preparatory work would be proposed unless the proponents intended it to result in revision. Any proposals made in anticipation of the revision of the Charter could only increase international tension and might endanger the existence of the United Nations.

Proposal for publication of documents concerning the drafting and the application of the Charter

(a) *Compilation of unpublished documents of the San Francisco Conference*

11. It was generally agreed that it would be useful to publish the hitherto unpublished official documents of the Co-ordination Committee of the San Francisco Conference. In this connexion, the suggestion was made that the Secretariat should distribute to governments, some of which were not represented at the San Francisco Conference and had not had the same opportunity as others to obtain those documents, the edition of the San Francisco records prepared by the United Nations Information Organization. Without that material, it would be of little value to have at hand what would be a supplement to it.

(b) *Preparation of an index to the documents of the San Francisco Conference*

12. With respect to the preparation of a comprehensive index to the San Francisco documents, agreement was expressed with the suggestions in the Secretary-General's memorandum (A/C.6/343) as to the form and contents of such an index. It was pointed out that the analytical index suggested by the Secretary-General should be prepared not only from the technical but also from the juridical viewpoint, with due regard to the legally significant issues involved in the interpretation of each particular article or paragraph of the Charter.

(c) *Legislative history of the Charter*

13. Those delegations which favoured the preparation of a systematic and comprehensive legislative history of the drafting of the Charter stressed the usefulness which such a study would have for governments and for United Nations organs. Its cost, when spread over the two years which would be required for its preparation, would be small compared with its value. Other delegations expressed doubts as to the desirability of such a history and wondered whether its cost and the burden that its preparation would place upon the Secretariat would be justified. In particular, it was pointed out that a multi-lateral instrument such as the Charter initially reflected a variety of views but later acquired an independent existence and had to be interpreted accordingly. It was therefore questionable whether the intentions of its authors would be of value in its interpretation, not only because of the number of countries involved, but also in view of the fact that States which became members subsequent to its drafting had not been heard at the San Francisco Conference. In addition, it was stated that a legislative history, unless accompanied by explanatory comments, would not help the reader greatly in understanding why the various provisions had developed along certain lines. The selection of material for inclusion in such a history would be a difficult task for the Secretariat, and would be more difficult in a summarized history than in an extended one.

14. In view of those considerations, the Secretary-General's suggestion that a comprehensive index might serve the purpose of a legislative history of the Charter evoked favourable responses from several delegations.

(d) *Repertory of practice under the Charter*

15. In supporting the proposal regarding the preparation of a repertory of the practice of the United Nations under the Charter, several delegations observed that such a repertory would assist governments in forming a considered opinion about the desirability of convening a General Conference under Article 109. In addition,

emphasis was laid on the intrinsic value which would be derived from the proposed repertory independently of its usefulness in the determination whether the Charter required review. Such a repertory would contribute to an understanding of the Charter regardless of whether a General Conference were convened or not. The Secretariat was the only institution equipped to carry out such a scientific and objective study and had already commenced its preparation as part of its normal functions.

16. With respect to the presentation of the proposed repertory, some delegations, wishing to give the Secretary-General clear instructions on the matter, expressed the view that it should be prepared along the lines indicated in part IV of the Secretary-General's memorandum. It was pointed out that material should be organized primarily in terms of the various articles of the Charter so as to reveal their application and interpretation, rather than be given a historical case-by-case treatment. A significant topic might be treated separately when its importance warranted such consideration or when dealt with in more than one article. The importance of a good index to the repertory was stressed. Some delegations suggested that the repertory should be kept up to date by periodic supplements.

(e) *Administrative implications*

17. In reply to questions raised in the Sixth Committee, the representative of the Secretary-General explained that existing staff would be inadequate for the preparation of a legislative history of the Charter. A concise study would lay a heavier workload on the Secretariat and would require the same staff (five research assistants) as a comprehensive study, but the printing costs would be less. As regards the proposed index, the debate had made it clear that the index would have to be more complete than had been expected, and the services of an indexer with legal training would be required. With respect to the repertory of practice, each department would be responsible for the section which was its own special concern; two additional staff members working under a Secretariat committee would be necessary for co-ordination and editorial presentation.

18. In regard to the time schedule it was noted that publication of the Co-ordination Committee documents and of the index would be completed within one year and the repertory of practice would probably be substantially done within that time. It was unlikely that the repertory could be completed in a year, particularly since translation and publication would require additional time.

Proposal to invite Member States to submit preliminary views regarding possible revision of the Charter

19. With respect to the proposal to invite Member States to submit their preliminary views regarding the possible revision of the Charter, the delegations which favoured the proposal thought that its adoption would result in a useful exchange of views which would greatly assist the General Assembly at its tenth session in deciding whether a General Conference should be called, since a general picture of the position taken and the amendments desired by governments would emerge. It was understood that the words "preliminary views" were used in order to leave governments entirely free to express whatever opinions they wished or not to express any at all. Indeed, the purpose of requesting the views of governments was not so much to induce them to take a definite position in advance as to stimulate them to study the question. Some delegations felt that non-member States should also be requested to submit their opinions on Charter revision.

20. In addition to the constitutional arguments mentioned earlier, other reasons were advanced by those delegations which opposed the proposal to request governments to submit their preliminary views on Charter revision. Governments would hesitate to formulate their views without knowing what would be the international atmosphere three years hence. If they submitted their views beforehand, they might find it difficult to modify their positions during the General Conference, if one were held. Should some governments advance their views and others refrain from doing so, an incorrect picture of international opinion would result. It was pointed out that, if the only purpose of requesting governments for their opinions was to stimulate the study of Charter revision, that purpose had already been achieved by the debates in the Sixth Committee.

Proposal for election of a technical committee to study and report on amendment of the Charter

21. With regard to the establishment of an advisory committee to study and report on the amendment of the Charter, the delegations which supported this proposal considered it a method of preparing gradually for revision of the Charter similar to the conference which had been held by the Great Powers prior to the San Francisco Conference. One of the committee's tasks would be to prepare a questionnaire to ascertain the preliminary views of governments as to what amendments to the Charter might generally be acceptable, although the position of Member States would not be prejudiced by the expression of such preliminary views. The committee would also assist the Secretary-General in his task of preparing the necessary documentation, thus guaranteeing his neutrality.

22. Most of the objections to the proposal to request governments to submit their views on Charter revision were also raised with respect to the proposal regarding an advisory committee. Doubts were also expressed as to the usefulness of a committee having such imprecise terms of reference. By the mere act of drawing up a questionnaire, the committee would limit the scope of the comments of governments and it was questionable whether the committee should be allowed to supervise the preparation of documents and studies by the Secretariat. The task entrusted to the Secretariat should be a purely objective one, and the General Assembly alone could judge its value.

IV. DISPOSITION OF PROPOSALS

23. At the 372nd meeting of the Sixth Committee the delegation of Argentina withdrew its draft resolution (A/2415/Add.1) in favour of the five-Power draft resolution (A/C.6/L.306).⁹ At the 374th meeting the draft resolution of Costa Rica and Egypt (A/C.6/L.305) was withdrawn by its authors.

24. At the 379th and 380th meetings, the Sixth Committee proceeded to vote on the six-Power draft resolution (A/C.6/L.306/Rev.2) and the amendments submitted to it.

25. Point 2 of the four-Power amendment (A/C.6/L.307) proposing the deletion of paragraph 2 was adopted by 24 votes to 23, with 5 abstentions.

26. The representative of Argentina requested the Chairman to consult the Committee on the question whether a new vote should be taken to check the results of the first. The Chairman, considering that a new vote would imply reconsideration of the matter, put the Argentine proposal to the vote under rule 122 of the rules

⁹ Subsequently replaced by the six-Power draft resolution (A/C.6/L.306/Rev.1).

of procedure; there were 25 votes in favour, 24 against and 5 abstentions. The vote, which was taken by roll call, was as follows:

In favour: Argentina, Australia, Brazil, Canada, Chile, China, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Honduras, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Peru, Philippines, Turkey, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Belgium, Burma, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, Denmark, France, Guatemala, Iceland, India, Indonesia, Iraq, Liberia, Mexico, Norway, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Egypt, Greece, Iran, Israel, Thailand.

Having failed to obtain the required two-thirds majority, the proposal was not adopted.

27. By 27 votes to 16, with 2 abstentions, the Committee decided not to vote on point 3 of the four-Power amendment, which was therefore automatically adopted in view of the vote on point 2. As a result, paragraph 3 of the operative part of the six-Power draft resolution was considered deleted.

28. The deletion of operative paragraphs 2 and 3 of the six-Power draft resolution rendered unnecessary a vote on the amendment by Panama (A/C.6/L.310) to amend those paragraphs and to add a fourth operative paragraph.

29. Point 1 of the Czechoslovak amendment (A/C.6/L.312), to delete sub-paragraph (c) of operative paragraph 1 of the six-Power draft resolution, was rejected by 20 votes to 18, with 7 abstentions. Point 2 of the same amendment, proposing the deletion of sub-paragraph (d), was rejected by 24 votes to 8, with 5 abstentions.

30. Point 4 of the amendment submitted by El Salvador (A/C.6/L.309/Rev.2), to insert the words "and to circulate among the States Members" in operative paragraph 1, was adopted by 39 votes to 5, with 5 abstentions.

31. Point 2 of the amendment submitted by Australia and the United Kingdom (A/C.6/L.308/Rev.1), to substitute a new text for sub-paragraph (b) of operative paragraph 1, was adopted by 29 votes to 17, with 4 abstentions. Notwithstanding the rejection of point 1 of the amendment of Czechoslovakia (A/C.6/L.312), the Committee decided, by 26 votes to 16, with 6 abstentions, to vote on point 3 of the amendment by Australia and the United Kingdom, proposing to delete sub-paragraph (c) of operative paragraph 1. Point 3 of the amendment was adopted by a roll-call vote of 27 to 20, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Czechoslovakia, Denmark, Egypt, France, Iceland, India, Iran, Iraq, Liberia, Norway, Philippines, Poland, Saudi Arabia, Sweden, Syria, 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.

Against: Argentina, Brazil, Canada, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Indonesia, Mexico, Netherlands, New Zealand, Nicaragua, Panama, Peru, Uruguay, Venezuela, Yugoslavia.

Abstaining: Greece, Israel, Pakistan, Thailand, Turkey.

32. Point 4 of the amendment by Australia and the United Kingdom to substitute a new text in place of sub-paragraph (d) of operative paragraph 1, was adopted by 23 votes to 16, with 7 abstentions.

33. Point 1 of the four-Power amendment (A/C.6/L.307), to replace the preamble of the six-Power draft resolution with a new text, was rejected by a roll-call vote of 28 to 15, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Belgium, Burma, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, France, Guatemala, Iran, Liberia, Mexico, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Argentina, Brazil, Canada, Chile, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Iceland, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Sweden, Turkey, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Australia, India, Indonesia, Iraq, Israel, Saudi Arabia, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

34. Point 1 of the amendment by El Salvador (A/C.6/L.309/Rev.2), to delete the word "present" in the first paragraph of the preamble, was adopted by 28 votes to 7, with 10 abstentions. The amendment in point 2 to delete the words "is one of the best methods of acquiring knowledge of the Charter and" in the third paragraph of the preamble was rejected by 29 votes to 5, with 14 abstentions. The amendment in point 2 to delete in the same paragraph the words "by the tenth annual session" was rejected by 40 votes to 2, with 7 abstentions. The amendment in point 3 to delete the comma at the end of the same paragraph, and to add the words "with the object of reviewing the Charter," was rejected by 16 votes to 9, with 25 abstentions.

35. Point 1 of the amendment by Australia and the United Kingdom (A/C.6/L.308/Rev.1) to add a fourth paragraph to the preamble, was adopted by 28 votes to 6, with 11 abstentions.

36. The draft resolution of Argentina, Canada, Cuba, the Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2), as amended, was then put to the vote in parts. The first paragraph of the preamble, as amended, was adopted by 38 votes to 5, with 3 abstentions. The second paragraph of the preamble was adopted by 41 votes to 5, with 2 abstentions. The third paragraph of the preamble was adopted by 40 votes to 5, with 5 abstentions. The operative part of the draft resolution, as amended, was adopted by 44 votes to 5.

37. The draft resolution as a whole, as amended, was then adopted by 48 votes to 5.

Recommendation of the Sixth Committee

38. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Draft resolution

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly

facilitate the General Assembly's consideration, at its tenth annual session, of the question of calling a General Conference,

Having regard to the memorandum by the Secretary-General (A/C.6/343),

Requests the Secretary-General to prepare, publish and circulate among the Member States during 1954, or shortly thereafter :

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General ;

(c) A repertory of the practice of United Nations organs appropriately indexed.

DOCUMENT A/2575

Twenty-third report of the Advisory Committee on Administrative and Budgetary Questions : financial implications of the draft resolution submitted by the Sixth Committee (A/2559)

[Original text : English]
[24 November 1953]

1. The Secretary-General has submitted, in accordance with rule 152 of the rules of procedure, a statement (A/C.5/560) of the financial implications of the draft resolution (A/2559) submitted by the Sixth Committee on the subject of the publication of documents concerning the drafting and application of the Charter.

2. The following table shows the financial implications (as estimated by the Secretary-General) of the three points enumerated in the draft resolution :

	1954	1955
	US \$	
(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published	6,600	—
(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General (A/C.6/343)	28,830	—
(c) A repertory of the practice of United Nations organs appropriately indexed	—	(14,000*)
	35,430	(14,000*)

* This item, covering the cost of translation into French and Spanish, would be included in the regular budget estimates for 1955.

3. The above figures represent supplementary costs. Part of the 1954 requirements under each of the three heads would be met within the budgetary provision already approved by the Fifth Committee in first reading.

4. In view of the importance of the projected work, the Advisory Committee has considered whether a deferment of other activities planned for 1954 might be desirable

in order to reduce to a minimum the addition to the budget of that year. Any such deferment would have reference to section 6a (Library) and section 26 (Publications). A sum of \$16,600 is estimated by the Secretary-General for printing costs under the latter section, comprising \$6,600 and \$10,000 respectively for points (a) and (b), while under section 6a, \$18,830 is estimated for the engagement during 1954 of three indexers for work on the seventeen volumes of documentation of the San Francisco Conference.

5. Having regard, however, to the cuts in these two sections already recommended by the Fifth Committee in first reading, the Advisory Committee doubts whether a further substantial deferment of work would be advisable, although a minor part of the indexing (point (b)) could doubtless be undertaken by the existing staff. As regards the reproduction material under points (a) and (b), the Committee suggests for consideration a process less costly than printing and similar to the one used for reproducing the documents of the San Francisco Conference.

6. The Committee also notes that neither the compilation of UNCIO documents nor the index will necessarily be completed during 1954. The draft resolution proposed by the Sixth Committee (A/2559, paragraph 38) requests that these should be prepared, published and circulated during 1954, or shortly thereafter.

7. On the basis of the considerations set forth in paragraphs 5 and 6 above, the Advisory Committee considers that, in the event of the adoption of the draft resolution, the provision of \$30,000 should prove adequate for the year 1954. It is recommended that this sum, which represents a reduction of \$5,430 on the Secretary-General's estimate, should be distributed at his discretion between section 6a and section 26.

DOCUMENT A/2578

Financial implications of the draft resolution submitted by the Sixth Committee (A/2559) : report of the Fifth Committee

[Original text : English]
[26 November 1953]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request made by the President of the General Assembly in a letter to the Chairman of the Fifth Committee dated 5 November 1953, the Fifth Committee, at its 412th meeting on 25 November 1953, considered the financial implications of the draft resolution submitted by the Sixth Committee (A/2559,

para. 38) on items 58, 70 and 72 of the agenda of the eighth session.

2. The Fifth Committee had before it a statement by the Secretary-General (A/C.5/560) on the financial implications of the Sixth Committee's draft resolution, together with observations thereon submitted by the

Advisory Committee on Administrative and Budgetary Questions in its twenty-third report (A/2575).

3. It was estimated by the Secretary-General that the additional cost of implementing the draft resolution would amount to \$35,430 for the year 1954. Of this sum \$18,830 would be needed for temporary assistance under section 6a of the budget and the remaining \$16,600 for contractual printing under section 26. Common staff costs relating to temporary assistance requirements could, in the Secretary-General's opinion, be absorbed within the normal appropriation for section 17, in addition to which revenue of \$3,000 would result from staff assessment in 1954 and an estimated \$2,500 from sales of publications in 1955.

4. The Advisory Committee, in its report, expressed doubt whether, in view of the cuts in sections 6a and 26 already recommended by the Fifth Committee in first reading, a further substantial deferment of work would be advisable. As regards the reproduction of the documents of the United Nations Conference on International Organization which have not been published and the proposed complete index of the documents of that Conference, the Advisory Committee suggested that consideration might be given to the use of a less costly process than printing. It also noted that neither the compilation of UNCIO documents nor the index would necessarily be completed during 1954 since the draft

resolution of the Sixth Committee requested that these should be prepared, published and circulated during 1954 or shortly thereafter. On the basis of these considerations, the Advisory Committee recommended that, in the event of the adoption of the draft resolution, the provision of \$30,000 should prove adequate for the year 1954, and that the reduction of \$5,430 on the Secretary-General's estimate should be distributed at his discretion between sections 6a and 26.

5. The Fifth Committee, after receiving an assurance from the representative of the Secretary-General that an appropriation as recommended by the Advisory Committee would not prejudice or delay the carrying out of the work called for, rejected by 36 votes to 5 a proposal by the representative of the Union of Soviet Socialist Republics to recommend that no additional provision should be made in the budget estimates for 1954, and approved, by 36 votes to 5, with one abstention, the recommendation of the Advisory Committee indicated above.

6. The Fifth Committee accordingly informs the General Assembly that, in the event of the adoption of the draft resolution of the Sixth Committee, additional budgetary provision will be required in a total amount of \$30,000.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the draft resolution submitted by the Sixth Committee (p. 18 of this fascicule). For the final text, see resolution 796 (VIII).

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A/C.6/L.307	Belgium, Colombia, France and Mexico: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)	12	
A/C.6/L.308	United Kingdom of Great Britain and Northern Ireland: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)		See A/C.6/L.308/Rev.1.
A/C.6/L.308/Rev.1	Australia and United Kingdom of Great Britain and Northern Ireland: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)	12	
A/C.6/L.309	El Salvador: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)		See A/C.6/L.309/Rev.2.
A/C.6/L.309/Rev.2	El Salvador: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)	13	
A/C.6/L.310	Panama: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)	13	
A/C.6/L.312	Czechoslovakia: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)	13	
A/C.6/L.313	Text of the draft resolution adopted by the Sixth Committee at its 380th meeting		See A/2559, para. 38.
A/RESOLUTION/133	Resolution adopted by the General Assembly at its 458th plenary meeting, on 27 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 796 (VIII).

GENERAL ASSEMBLY

Official Records



ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 59: Election of a member of the International Court of Justice to fill the vacancy caused by the resignation of Judge Sergei Aleksandrovich Golunsky

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DOCUMENT A/2521 — S/3127

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

[Original text: English]
[27 October 1953]

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 current session of the General Assembly in order to fill the vacancy in the International Court of Justice caused by the resignation of Judge Golunsky.

Names and nationality of candidates	Nominated by the national groups of
Colov, Ernest S. B. (Denmark)	Denmark
Dihigo, Ernesto (Cuba)	Honduras
Frolund, Thomas (Denmark)	Denmark
Kardahi, Choucri (Lebanon)	Lebanon
Kozhevnikov, Feodor Ivanovich (USSR)	Byelorussian SSR
	Czechoslovakia
	Egypt
	France
	Liechtenstein

Names and nationality of candidates	Nominated by the national groups of
	Netherlands
	Norway
	Poland
	Ukrainian SSR
	USSR
	United Kingdom
de Lavalle, Juan Bautista (Peru)	Peru
Lopez Pineda, Julian (Honduras)	Honduras
Spiropoulos, Jean ¹ (Greece)	China
de Visscher, Charles (Belgium)	Egypt
	France
	Netherlands
	Norway

(For the curricula vitae of the candidates, see the mimeographed text of document A/2521 and Corr.1—S/3127 and Corr.1)

¹ Mr. Spiropoulos has informed the Secretary-General that he requests that he should not be considered for election to the present vacancy in the Court.

DOCUMENT A/2521/Add.1 — S/3127/Add.1

Letter dated 2 November 1953 from the permanent representative of Belgium to the United Nations addressed to the Secretary-General

[Original text: French]
[2 November 1953]

An election will shortly be held to fill the vacancy in the International Court of Justice caused by the resignation of Judge Sergei Aleksandrovich Golunsky.

In their proposals, the French, Netherlands, Norwegian and Egyptian groups nominated, among other candidates, Mr. Charles de Visscher, who was for many years a member of the Permanent Court of International Justice and of the International Court of Justice.

The Belgian delegation has interpreted the nomination as a tribute to Mr. de Visscher's outstanding qualities and deeply appreciates it. It knows, however, that Mr. de Visscher does not wish to be considered for election in the present circumstances.

I should be grateful if you would arrange for the foregoing to be brought to the knowledge of the General Assembly and the Security Council.

(Signed) F. VAN LANGENHOVE
Permanent representative of
Belgium to the United Nations

DOCUMENT A/2521/Add.2 — S/3127/Add.2

Note by the Secretary-General

[Original text: English]
[12 November 1953]

The Secretary-General has been informed that Mr. Choucri Kardahi, who was nominated by the national group of Lebanon, does not wish to be considered for election to the present vacancy in the International Court of Justice.

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ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 60 : Question of assistance to Libya

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DOCUMENT A/2612

Report of the Second Committee

[Original text : English]
[7 December 1953]

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, allocated to the Second Committee agenda item 60, "Question of assistance to Libya".

2. The Committee devoted three meetings (A/C.2/SR.285-287) to the consideration of this item. Nineteen delegations took part in the general debate. With the agreement of the Committee, the representative of the United Kingdom of Libya participated in the discussion.

3. The Committee, at its 286th meeting, received a draft resolution submitted by Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia and Syria (A/C.2/L.221). Indonesia, Turkey and Yemen were added as co-sponsors of the draft resolution (A/C.2/L.221/Rev.1) in the course of the same meeting. In accordance with the revised draft resolution, the General Assembly would (1) invite all governments willing and in a position to do so to provide financial assistance to Libya through the appropriate mechanisms within the United Nations Organization available for receiving voluntary contributions, in order to assist Libya in the financing of its fundamental and urgent programmes of reconstruction and of economic and social development; (2) recommend that if and when further means became available for assisting in the financing of the development of under-developed areas due consideration should be given by the United Nations and the specialized agencies to the specific development needs of Libya; (3) request the Secretary-General and the specialized agencies concerned to continue to waive local costs and to give all possible favourable consideration to the requests of Libya for technical assistance, taking into account the special needs of Libya and the principles of the technical assistance programmes of the United Nations and the specialized agencies enumerated in resolution 222 (IX) of the Economic and Social Council; (4) request the Secretary-General to bring the present resolution to the attention of the governments of Member States and to take the necessary measures to facilitate the implementation of operative paragraph 1 of the resolution; and

(5) request the Secretary-General to make a special report on the question of United Nations assistance to Libya in time to be placed on the agenda of the tenth session of the General Assembly.

4. The representative of Liberia requested that the draft resolution should be voted upon paragraph by paragraph. At its 287th meeting, the Committee voted on the draft resolution with the following results:

Preamble :

The first paragraph of the preamble was adopted by 45 votes to none, with 5 abstentions.

The second paragraph was adopted by 45 votes to none, with 5 abstentions.

The third paragraph was adopted by 45 votes to none, with 5 abstentions.

The fourth paragraph was adopted by 45 votes to none, with 5 abstentions.

The fifth paragraph was adopted by 45 votes to none, with 5 abstentions.

The sixth paragraph was adopted unanimously.

Operative part :

Paragraph 1 of the operative part was adopted by 44 votes to none, with 6 abstentions.

Paragraph 2 was adopted unanimously.

Paragraph 3 was adopted unanimously.

Paragraph 4 was adopted unanimously.

Paragraph 5 was adopted unanimously.

The draft resolution as a whole was adopted by 45 votes to none, with 5 abstentions.

Recommendation of the Second Committee

The Second Committee therefore recommends to the General Assembly the adoption of the following draft resolution :

QUESTION OF ASSISTANCE TO LIBYA

See Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 726 (VIII).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 469th plenary meeting on 8 December 1953, the General Assembly adopted the draft resolution submitted by the Second Committee. For the final text, see resolution 726 (VIII).

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A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 3.</i>
A/2612	Report of the Second Committee	1	
A/C.2/L.221	Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia and Syria: draft resolution		Mimeographed document only. Replaced by A/C.2/L.221/Rev.1.
A/C.2/L.221/Add.1	Egypt, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen: draft resolution		Mimeographed document only. Replaced by A/C.2/L.221/Rev.1.
A/C.2/L.221/Rev.1	Egypt, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey and Yemen: revised draft resolution		Mimeographed document only. See A/2612.
A/C.2/L.222	Draft report of the Second Committee		Mimeographed document only. Replaced by A/2612.
A/RESOLUTION/170	Resolution adopted by the General Assembly at its 469th plenary meeting held on 8 December 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 726 (VIII).</i>
E/2469 and Corr.1	Communication dated 27 June 1953 from the Acting Prime Minister of Libya		See <i>Official Records of the Economic and Social Council, Sixteenth Session, Annexes</i> , agenda item 21.

GENERAL ASSEMBLY



Official Records

ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 27 : Expanded Programme of Technical Assistance for the economic development of under-developed countries: report of the Economic and Social Council

Agenda item 61: Technical assistance in public administration

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DOCUMENT A/2519

Report of the Second Committee

[Original text: English]
[20 October 1953]

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, allocated to the Second Committee the agenda items "Expanded Programme of Technical Assistance for the economic development of under-developed countries: report of the Economic and Social Council" (item 27) and "Technical assistance in public administration" (item 61).

2. The Committee, at its 248th meeting on 25 September 1953, decided to have a general debate on the two items together before proceeding to consider draft resolutions under each item. The Committee considered the items during nine meetings (A/C.2/SR.249-257). The first seven meetings were devoted to the general debate in which forty-two delegations, as well as the representatives of the Food and Agriculture Organization and of the World Health Organization, took part; the Executive Chairman of the Technical Assistance Board and the Director-General of the Technical Assistance Administration also made statements before the Committee.

3. At the conclusion of the general debate, the Committee had before it two specific proposals—one on the "Expanded Programme of Technical Assistance for the economic development of under-developed countries" (A/C.2/L.197) and the other on "Technical assistance in public administration" (Economic and Social Council resolution 492 B (XVI)).

EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

4. The draft resolution before the Committee, submitted jointly by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia,

United Kingdom of Great Britain and Northern Ireland and United States of America (A/C.2/L.197), was discussed by the Committee at its 255th to 257th meetings.

5. The draft resolution (a) urged that, in order to permit the Expanded Programme of Technical Assistance to progress, governments should contribute for the year 1954 so as to meet to the maximum extent possible the programme needs for 1954 and, in any case, so that the funds available should be no less than the amount earmarked by the Technical Assistance Board for the approved 1953 programme; (b) noted with regret that some governments had not fulfilled their pledges with respect to previous financial periods, and urged all governments to make available their pledged contributions promptly; (c) noted with satisfaction the decisions taken by the Economic and Social Council under resolution 492 C (XVI) designed to strengthen the organization and administration of the Programme, so as to assure the most effective use of the contributions made available; (d) requested the Advisory Committee on Administrative and Budgetary Questions to review the administrative procedures of the Technical Assistance Board and those of the participating organizations and their administrative expenditures so far as those were financed from the Special Account; (e) approved the financial arrangements as recommended by the Economic and Social Council in paragraph 5 of section II of resolution 492 C (XVI); (f) requested the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to the General Assembly resolution 759 (VIII) of 5 October 1953, to undertake in addition to already assigned tasks and as soon as convenient after the closing of the eighteenth session of the Economic and Social Council, negotiations with governments regarding their pledges to the Special Account for the year 1954 towards the goal to be sug-

gested by the Council at that session; and (g) noted that the Economic and Social Council had considered, in response to the desire expressed by the General Assembly in resolution 621 (VII), the feasibility of working out estimates for the Programme on a basis longer than a one-year period, and hoped that governments in a position to do so would respond to the invitation contained in paragraph 10, section II, of resolution 492 C (XVI).

6. The following amendments to the draft resolution were submitted:

(a) Israel and Norway in document A/C.2/L.198 proposed the insertion after the preamble of a new paragraph as follows: "Requests the participating governments and agencies to intensify their efforts to secure wide publicity for the Programme". The amendment was subsequently revised by the sponsors by the addition of the words "by the existing means at their disposal" before the words "to intensify" (A/C.2/L.198/Rev.1). A verbal amendment was submitted by the representative of Iran to the revised amendment to have the paragraph read as follows:

"Requests the governments to co-operate with the United Nations and the participating agencies for the intensification of their efforts to secure wide publicity for the Programme".

(b) The Union of Soviet Socialist Republics in document A/C.2/L.200 proposed to have the second operative paragraph read as follows:

"Notes with regret that some governments have not fulfilled the pledges made by them at conferences of participants in the Expanded Programme with respect to previous financial periods and urges all governments to make their pledged contributions available promptly".

(c) Greece in document A/C.2/L.199 proposed to add at the end of the third operative paragraph beginning "Notes with satisfaction" the following text: "... and invites the Technical Assistance Committee and the Technical Assistance Board, in working out their recommendations on the financial procedures and the system of allocation of funds of the Expanded Programme of Technical Assistance, to take into consideration the relevant debates during the eighth regular session of the General Assembly". The sponsor subsequently revised the amendment by adding the words "the administration," before the words "the financial procedures" and, at the suggestion of the representative of Iraq, also inserted after the words "to take into consideration the relevant" the words "views expressed in the" (A/C.2/L.199/Rev.1).

(d) The representative of Poland, at the 256th meeting, verbally proposed to replace the word "under" in the third operative paragraph by the words "in paragraphs 6 and 7 of section II of".

(e) Egypt in document A/C.2/L.201 proposed:

(i) In the first paragraph of the preamble, to substitute the words "is capable of making" for the words "is making";

(ii) In the second paragraph of the preamble, to insert the word "increasingly" before the word "effective";

(iii) In the second operative paragraph, to delete the words "Notes with regret that some governments have not fulfilled their pledges with respect to previous financial periods and";

(iv) In the third operative paragraph, to substitute the words "Takes note of" for the words "Notes with satisfaction";

(v) At the end of the fourth operative paragraph, to add the words "and to report as soon as possible to the Economic and Social Council";

(vi) To delete the seventh operative paragraph and substitute the following text:

"Notes that the Economic and Social Council, in response to the desire expressed by the General Assembly in resolution 621 (VII), has expressed the view that, for the sustained execution of the various programmes, it would be desirable to have assured financial support for a period longer than a year, and invites those participating countries in a position to do so to take every possible step within the limits imposed by their constitutions to provide the programme with long-term financial support".

7. At its 256th meeting, the Committee approved, by 19 votes to 11, with 17 abstentions, a proposal by the representative of Cuba that a working group should attempt to draft a new draft resolution embodying the substance of the ten-Power proposal and of the amendments thereto. The Working Group, presided over by the Chairman of the Committee, met on 9 October 1953 and prepared a report (A/C.2/L.202) in which it unanimously recommended the following draft resolution to the Committee:

"The General Assembly,

"Believing that the results so far achieved by the Expanded Programme of Technical Assistance demonstrate the important contribution which the Programme has made and is capable of making in the economic development of under-developed countries,

"Desirous that the Programme continue to play an increasingly effective role in the achievement of higher standards of living for the peoples of the under-developed areas,

"1. Urges that, in order to permit the Expanded Programme of Technical Assistance to progress, governments contribute for the year 1954 so as to meet to the maximum extent possible the programme needs for 1954 and, in any case, so that the funds available shall be no less than the amount earmarked by the Technical Assistance Board for the approved 1953 programme;

"2. Emphasizes the pressing need that governments pay their pledged contributions promptly, including those already announced;

"3. Notes with satisfaction the decisions taken by the Economic and Social Council under resolution 492 C (XVI) designed to strengthen the organization and administration of the Programme, so as to assure the most effective use of the contributions made available, and invites the Technical Assistance Committee and the Technical Assistance Board, in working out their recommendations on the administration, the financial procedures and the system of allocation of funds of the Expanded Programme of Technical Assistance, to take into consideration the relevant views expressed in the debates during the eighth regular session of the General Assembly;

"4. Requests the Advisory Committee on Administrative and Budgetary Questions to review as soon as possible the administrative procedures of the Technical Assistance Board and those of the participating organizations and their administrative expenditures so far as those are financed from the Special Account;

"5. Approves the financial arrangements set forth in the annex hereto as recommended by the Economic and Social Council in paragraph 5 of section II of resolution 492 C (XVI);

"6. Requests the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to the General Assembly resolution 759 (VIII) of 5 October 1953, to undertake in addition to already assigned tasks and as soon as convenient after the closing of the eighteenth session of the Economic and Social Council, negotiations with governments regarding their pledges

to the Special Account for the year 1955 towards the goal to be suggested by the Council at that session ;

"7. Notes that the Economic and Social Council, in response to the desire expressed by the General Assembly in resolution 621 (VII), has expressed the view that, for the sustained execution of the various programmes, it would be desirable to have assured financial support for a period longer than a year, and invites those participating countries as may be in a position to do so, to take steps within their constitutional limitations, to ensure the financial support of the Programme on a long-term basis."

The original joint draft resolution (A/C.2/L.197) and the amendments which had been referred to the working group (A/C.2/L.198/Rev.1, A/C.2/L.199/Rev.1 and A/C.2/L.201) were then withdrawn by the sponsors, with the exception of the USSR amendment (A/C.2/L.200). This last amendment, which had been taken into account by the Working Group in proposing the new text of the second operative paragraph above, was retained for consideration by the Committee. In addition to the draft resolution, the Working Group also submitted to the Committee the following new paragraph to be inserted as first operative paragraph as a substitute for the revised amendment submitted by Israel and Norway (A/C.2/L.198/Rev.1) :

"Recommends that governments and participating agencies pay due regard to making the aims and operations of the Programme more widely known".

8. The draft resolution contained in the report of the Working Group and the USSR amendment (A/C.2/L.200) were discussed at the Committee's 257th meeting on 12 October 1953. The following verbal amendments were submitted and accepted :

(a) The Union of Soviet Socialist Republics, with respect to its amendment contained in document A/C.2/L.200, accepted verbal changes proposed by France and Pakistan to amend the second operative paragraph to read

"Emphasizes the pressing need that governments pay promptly their contributions pledged at conferences, with special regard to previous financial periods ;"

(b) Poland proposed to add in paragraph 3, after the words "resolution 492 C (XVI)", the words "paragraphs 6 and 7 of section II"; the United Kingdom proposed the addition of the words "paragraphs 1, 2 and 3 of section I and paragraphs 6 and 7 of section II"; this amendment was accepted by Poland.

(c) Greece proposed to substitute, also in paragraph 3, the word "actions" for the word "decisions" in the opening phrase.

(d) Egypt proposed to substitute, in paragraph 7, the words "orderly development of programmes" for the words "sustained execution of the various programmes", with a view to having the wording of the paragraph conform to that of Economic and Social Council resolution 492 C (XVI), paragraph 9 of section II.

9. The draft resolution of the Working Group (A/C.2/L.202), as amended by the Committee, and the proposed new paragraph to be inserted between the second and third paragraphs were put to the vote at the 257th meeting as follows :

The new paragraph to be inserted as the first operative paragraph was adopted by 41 votes to one, with 10 abstentions.

The third operative paragraph (paragraph 2 of the Working Group's draft), was adopted as amended by 38 votes to 2, with 10 abstentions.

The sixth operative paragraph (paragraph 5 of the Working Group's draft), on which a separate vote had been requested by the Union of Soviet Socialist Republics, was adopted by 45 votes to none, with 7 abstentions.

The draft resolution as a whole, as amended, was adopted unanimously.

The text is reproduced as draft resolution I below.

TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION

10. A draft resolution recommended by the Economic and Social Council and contained in its resolution 492 B (XVI) was discussed by the Committee at its 256th meeting.

11. The draft resolution

(1) Approved a revised United Nations programme in public administration comprising: (a) the provision, at the request of governments, of technical assistance related to public administration, including training for public service, through: (i) the advisory services of experts; (ii) fellowships and scholarships; (iii) training institutes, seminars, conferences, working groups and other means; (iv) the provision of technical publications; (b) the collection, analysis and exchange of technical information in the field of public administration, in collaboration where appropriate, with the International Institute of Administrative Sciences and other appropriate institutions, and assistance to governments to promote, by all suitable means, sound public administration, in relation to economic and social development;

(2) Authorized the Secretary-General to continue to include in the budgetary estimates of the United Nations the funds necessary for carrying out an effective operational programme based on the provision of the above services and, in addition, to finance such activities from funds made available from the United Nations Expanded Programme of Technical Assistance, provided that in the latter case such assistance is related to the economic development of under-developed countries;

(3) Reaffirmed the principle by which each requesting government should continue to be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it; and

(4) Requested the Secretary-General to report regularly to the Economic and Social Council on activities carried on under this programme.

12. The draft resolution was unanimously adopted at the 256th meeting of the Committee. The text is reproduced as draft resolution II below.

13. The Second Committee therefore recommends to the General Assembly the adoption of the following two draft resolutions :

Draft resolution I

EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

The General Assembly,

Believing that the results so far achieved by the Expanded Programme of Technical Assistance demonstrate the important contribution which the Programme has made and is capable of making in the economic development of under-developed countries,

Desirous that the Expanded Programme shall continue to play an increasingly effective role in the achievement of higher standards of living for the people of the under-developed areas,

1. Recommends that governments and participating agencies pay due regard to making the aims and operations of the Expanded Programme of Technical Assistance more widely known;

2. Urges that, in order to permit the Expanded Programme to progress, governments contribute for the year

1954 so as to meet to the maximum extent possible the programme needs for 1954 and, in any case, so that the funds available shall be no less than the amount earmarked by the Technical Assistance Board for the approved 1953 programme;

J. *Emphasizes* the pressing need that governments pay promptly their contributions pledged at conferences, with special regard to previous financial periods;

4. *Notes with satisfaction* the actions taken by the Economic and Social Council in paragraphs 1, 2 and 3 of section I and in paragraphs 6 and 7 of section II of resolution 492 C (XVI) of 5 August 1953 designed to strengthen the organization and administration of the Expanded Programme, so as to assure the most effective use of the contributions made available, and invites the Technical Assistance Committee and the Technical Assistance Board, in working out their recommendations on the administration, the financial procedures and the system of allocation of funds of the Expanded Programme of Technical Assistance, to take into consideration the relevant views expressed in the debates during the eighth session of the General Assembly;

5. *Requests* the Advisory Committee on Administrative and Budgetary Questions to review as soon as possible the administrative procedures of the Technical Assistance Board and those of the participating organizations as well as their administrative expenditures so far as those are financed from the Special Account;

6. *Approves* the financial arrangements set forth in the annex hereto as recommended by the Economic and Social Council in paragraph 5 of section II of resolution 492 C (XVI);

7. *Requests* the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to the General Assembly resolution 759 (VIII) of 5 October 1953, to undertake, in addition to already assigned tasks and as soon as convenient after the closing of the eighteenth session of the Economic and Social Council, negotiations with governments regarding their pledges to the Special Account for the year 1955 towards the goal to be suggested by the Council at the same session;

8. *Notes* that the Economic and Social Council, in response to the desire expressed by the General Assembly in resolution 621 (VII) of 21 December 1952, has expressed the view that, for the orderly development of programmes, it would be useful to have assured financial support for a period longer than a year, and invites those participating countries as may be in a position to do so to take steps within their constitutional limitations, to ensure the financial support of the Expanded Programme on a long-term basis.

Annex

(a) Seventy-five per cent of total funds available, excluding carry-over, shall be available for allocation to the participating organizations after approval of country programmes by the Technical Assistance Board, in accordance with the percentages set forth in paragraph 8 (c)¹ of Council reso-

¹ Formely paragraph 9 (c).

lution 222 A (IX), as amended, and modified pursuant to paragraph 19 of the report of the Technical Assistance Committee to the thirteenth session of the Council;

(b) The balance of funds available, including carry-over, shall be retained in the Special Account (i) to cover the necessary minimum expenses of TAB and the resident representatives; and (ii) for further allocation to the participating organizations, as provided in Council resolution 433 (XIV);

(c) In establishing the level of the necessary administrative expense in the whole Programme, the need for economy, in view of the present level of operational expenditure, shall be fully taken into account.

Draft resolution II

TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION

The General Assembly,

Noting that the programme of activities and organizational arrangements developed by the Secretary-General in consultation with the Economic and Social Council in response to General Assembly resolution 246 (III) of 4 December 1948, and placed on a continuing basis in accordance with General Assembly resolution 518 (VI) of 12 January 1952, are no longer adequately covered by the terms of resolution 246 (III),

Noting further that the aforementioned activities now form an integral part of a wider programme of assistance to governments in the field of public administration, including aspects other than training,

Recognizing the increasingly important role of governmental administration in programmes for the promotion of economic development and social welfare,

1. *Approves* a revised United Nations programme in public administration comprising:

(a) The provision, at the request of governments, of technical assistance related to public administration, including training for public service, through:

- (i) The advisory services of experts;
- (ii) Fellowships and scholarships;
- (iii) Training institutes, seminars, conferences, working groups and other means;
- (iv) The provision of technical publications;

(b) The collection, analysis and exchange of technical information in the field of public administration, in collaboration, where appropriate, with the International Institute of Administrative Sciences and other appropriate institutions, and assistance to governments to promote, by all suitable means, sound public administration, in relation to economic and social development;

2. *Authorizes* the Secretary-General to continue to include in the budgetary estimates of the United Nations the funds necessary for carrying out an effective operational programme based on the provision of the above services and, in addition, to finance such activities from funds made available from the United Nations Expanded Programme of Technical Assistance, provided that in the latter case such assistance is related to the economic development of under-developed countries;

3. *Reaffirms* the principle by which each requesting government shall continue to be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it;

4. *Requests* the Secretary-General to report regularly to the Economic and Social Council on activities carried on under this programme.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 454th plenary meeting, on 23 October 1953, the General Assembly adopted the two draft resolutions submitted by the Second Committee without change, as resolutions 722 (VIII) and 723 (VIII) respectively.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 3.
A/2447 and Corr.1	Questions relating to economic development: Memorandum by the Secretary-General		Mimeographed document only.
A/2519	Report of the Second Committee	1	
A/C.2/L.197	Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution		Mimeographed document only. Replaced by A/C.2/L.202.
A/C.2/L.198	Israel and Norway: amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.198/Rev.1.
A C.2/L.198/Rev.1	Israel and Norway: revised amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.202.
A/C.2/L.199	Greece: amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.199/Rev.1.
A. C.2/L.199/Rev.1	Greece: revised amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.202.
A C.2/L.200	Union of Soviet Socialist Republics: amendment to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only.
A/C.2/L.201	Egypt: amendments to the draft resolution submitted by Belgium, Bolivia, Canada, Dominican Republic, Iraq, Netherlands, Pakistan, Saudi Arabia, United Kingdom and United States of America (A/C.2/L.197)		Mimeographed document only. Replaced by A/C.2/L.202.
A C.2/L.202	Report of the Working Group		Mimeographed document only. Adopted, as amended, at the 257th meeting of the Second Committee; see A/2519.
A C.2/L.208	Draft report of the Second Committee		Mimeographed document only.
A/RESOLUTION/123	Resolution adopted by the General Assembly at its 454th plenary meeting on 23 October 1953		Resolution 722 (VIII).
A/RESOLUTION/124	Resolution adopted by the General Assembly at its 454th plenary meeting on 23 October 1953		Resolution 723 (VIII).

GENERAL ASSEMBLY



ANNEXES

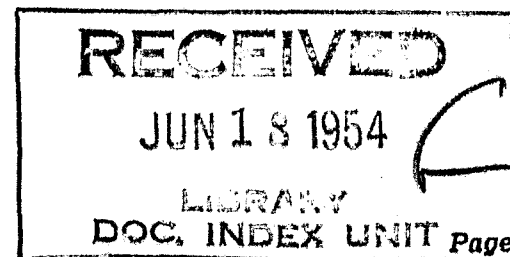
EIGHTH SESSION

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Agenda item 62: Technical assistance in promoting and safeguarding the rights of women

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Plenary meetings (final phase) :		
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A/2510	Sixth report of the Advisory Committee on Administrative and Budgetary Questions: financial implications of the draft resolution submitted by the Third Committee (A/2494).	3
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DOCUMENT A/C.3/L.339/Rev.1/Add.1

Financial implications of the draft resolution submitted by Cuba, Dominican Republic and Pakistan (A/C.3/L.339/Rev.1) : estimate submitted by the Secretary-General

[Original text: English]
[24 September 1953]

1. The draft resolution would authorize the Secretary-General to render, at the request of Member States, services which do not fall within the scope of existing technical assistance programmes, in order to assist these States in promoting and safeguarding the rights of women.

2. The Secretariat has no facts available as to the nature and volume of requests likely to arise under this resolution, on which a cost estimate for 1954 and subsequent years could be based. To meet the purposes of the draft resolution, assistance would accordingly be provided within available funds to the maximum extent possible through the use of staff members seconded from

the existing establishment. It is foreseen that such requests would necessitate expenditures for travel and subsistence of such staff and for necessary miscellaneous expenses. The local costs, it is assumed, would be borne by recipient governments in accordance with normal technical assistance arrangements.

3. Should the above-mentioned course of action prove to be inadequate, the Secretary-General would rely on the resolution on unforeseen and extraordinary expenses whereby with the concurrence of the Advisory Committee on Administrative and Budgetary Questions additional resources from the Working Capital Fund might be made available to meet urgent needs.

DOCUMENT A/2494

Report of the Third Committee

[Original text: English]
[3 October 1953]

1. The General Assembly at its 435th plenary meeting on 17 September 1953 decided to allocate to the Third Committee the agenda item "Technical assistance in promoting and safeguarding the rights of women".

2. The Committee considered this item at its 485th and 486th meetings held on 24 and 25 September 1953, having before it the report of the Economic and Social Council (A/2430), chapter V, section XII, paragraphs 876 to 878, and a note by the Secretary-General (A/2454) directing attention to Council resolution 504 J II (XVI) of 23 July 1953. In this resolution, the Economic and Social Council, bearing in mind Article 66 of the Charter under which it might, with the approval of the General Assembly, perform services at the request of Members of the United Nations; and believing that the fields in which the Secretary-General was at present authorized to render assistance for the purpose of improving the status of women might appropriately be broadened, decided, subject to the approval of the General Assembly, to authorize the Secretary-General to render to requesting Member States services not falling within the scope of existing technical assistance programmes, in order to assist these States in promoting and safeguarding the rights of women.

3. The discussion in the Third Committee concerned mainly a draft resolution (A/C.3/L.339/Rev.1) submitted by Cuba, the Dominican Republic and Pakistan, in which the General Assembly noted the Council's resolution and approved its decision to extend the Secretary-General's authority in the manner therein described.

4. All members agreed on the principle and most representatives expressed support of the draft resolution. The representatives who did not express support of the draft resolution, while finding themselves in agreement with the principle of that resolution, questioned whether it was advisable to adopt it in the absence of a specific indication of the type of services to be rendered. Doubts were also expressed because of the lack of specific data on the financial implications of the draft resolution.

5. Several representatives were of the opinion that the exact nature of the services that would be rendered could be determined only after the receipt of requests from Member States and that that fact did not constitute a substantial objection to the draft resolution. Possible types of projects were envisaged to include advice in connexion with revision of laws and practices relating to property, inheritance and family rights of women and assistance in planning programmes for the progressive

advancement of the status of women in the political, as well as economic and social fields.

6. With respect to the financial implications, it was pointed out that the assistance provided for in the draft resolution could in all likelihood, for the year 1954 at least, be rendered by the Secretary-General without additional expenditure by utilizing existing staff, for whom requesting governments might bear local costs, and that a year's experience would provide a possible basis for future budgetary provisions if they became necessary. Certain representatives stated that their original objections based on the uncertainty of the financial consequences had been met by the estimate of expenditures which was presented by the Secretary-General under rule 152 of the rules of procedure (A/C.3/L.339/Rev.1/Add.1).

7. The draft resolution was adopted by a roll-call vote of 39 to none, with 14 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Afghanistan, Australia, Denmark, France, Netherlands, New Zealand, Norway, Peru, Saudi Arabia, Sweden, Syria, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Yemen.

Recommendation of the Third Committee

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

TECHNICAL ASSISTANCE IN PROMOTING AND SAFEGUARDING THE RIGHTS OF WOMEN

The General Assembly,

Noting Economic and Social Council resolution 504 J II (XVI) of 23 July 1953 concerning technical assistance in promoting and safeguarding the rights of women,

Approves the decision of the Council authorizing the Secretary-General to render, at the request of Member States, services which do not fall within the scope of existing technical assistance programmes, in order to assist these States in promoting and safeguarding the rights of women.

DOCUMENT A/2510**Sixth report of the Advisory Committee on Administrative and Budgetary Questions: financial implications of the draft resolution submitted by the Third Committee (A/2494)**

[Original text: English]
[15 October 1953]

1. The draft resolution submitted by the Third Committee (A/2494) authorizes the Secretary-General to render, at the request of Member States, services that do not fall within the scope of existing technical assistance programmes in order to assist those States in promoting and safeguarding the rights of women. In accordance with rule 152 of the rules of procedure of the General Assembly, the Secretary-General gives an estimate of the financial implications of the draft resolution (A/C.3/L.339/Rev.1/Add.1).

2. The Advisory Committee notes that, inasmuch as the nature and volume of such requests are not known at this stage, possible expenditure during 1954 and subsequent years cannot yet be estimated, but that the Secretary-General intends as far as possible to rely on the existing budgetary provision when furnishing assistance that may be requested.

3. On this basis, the Advisory Committee concurs in the proposal of the Secretary-General that any additional expenses to meet urgent needs contemplated in the draft resolution should be financed from the Working Capital Fund as an unforeseen or extraordinary commitment requiring the prior concurrence of the Advisory Committee.

DOCUMENT A/2525**Financial implications of the draft resolutions submitted by the Third Committee (A/2494 and A/2495): report of the Fifth Committee**

[Original text: English]
[21 October 1953]

1. In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee, at its 392nd meeting held on 19 October 1953, considered the financial implications of the two draft resolutions submitted by the Third Committee concerning technical assistance (a) in promoting and safeguarding the rights of women (A/2494); and (b) in the fields of prevention of discrimination and protection of minorities (A/2495).

2. The Fifth Committee had before it for this purpose reports submitted by the Secretary-General to the Third Committee (A/C.3/L.339/Rev.1/Add.1 and A/C.3/L.340/Add.1, respectively), together with the sixth and seventh reports of the Advisory Committee on Administrative and Budgetary Questions to the eighth session of the General Assembly (A/2510 and A/2511 respectively).

3. The latter reports noted that, inasmuch as the nature and volume of requests likely to arise under the resolutions as proposed by the Third Committee were not known at the current stage, possible expenditures during 1954 and subsequent years could not yet be estimated and that it was therefore the intention of the Secretary-General

to rely as far as possible on the existing budgetary provision in furnishing such assistance as might be requested. On that basis, the Advisory Committee indicated its concurrence in the proposal of the Secretary-General that any additional expenses to meet urgent needs contemplated in draft resolutions should be financed from the Working Capital Fund as an unforeseen and extraordinary commitment requiring the Advisory Committee's prior concurrence.

4. The opinion was expressed in the Committee that new sections in the budget should not be opened to meet every approval of this type, and the Secretary-General and the Advisory Committee were asked to consider the possibility of including within existing sections of the budget any financial provision required to meet them. Subject to this observation, and to the reservations expressed by some delegations in the course of the Third Committee's consideration of the item, the Fifth Committee decided to inform the General Assembly of its agreement with the views of the Advisory Committee as indicated in paragraph 3 above.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted the draft resolution submitted by the Third Committee (see p. 2 of this fascicule). For the final text see resolution 729 (VIII).

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A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 3.
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A/C.3/L.339/Rev.1	Cuba Dominican Republic and Pakistan: draft resolution	2	For the text see A/2494, para. 8.
A/C.3/L.339/Rev.1 Add.1	Financial implications of the draft resolution submitted by Cuba, Dominican Republic and Pakistan (A/C.3/L.339/Rev.1): estimate submitted by the Secretary-General	1	
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E/CN.6/189	Technical assistance programmes in relation to the status of women—Report by the Secretary-General		Mimeographed document only.
E/CN.6/189/Add.1	Technical assistance programmes in relation to the status of women—Report by the Secretary-General—Addendum		Mimeographed document only.
E/CN.6/212	Women in political and public life—Report by the Secretary-General concerning the participation of women in the political and public life of the country (number of women in elective State bodies, local government bodies, etc.)		Mimeographed document only.
E/CN.6/216 and Corr.1	Participation of women in the work of the United Nations and the specialized agencies—Memorandum by the Secretary-General		Mimeographed document only.
E/CN.6/216/Add.1	Participation of women in the work of the United Nations and the specialized agencies—Memorandum by the Secretary-General—Addendum		Mimeographed document only.

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ANNEXES

EIGHTH SESSION

Agenda item 63: Technical assistance in the field of prevention of discrimination and protection of minorities

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DOCUMENT A/2453

Memorandum by the Secretary-General

[Original text: English]
[31 August 1953]

1. By its resolution 502 G (XVI) of 3 August 1953 on technical assistance in the fields of prevention of discrimination and protection of minorities, the Economic and Social Council, *inter alia* :

“Recommends to the General Assembly the adoption of a resolution authorizing the Secretary-General to render, at the request of Member States of the United Nations, expert technical advice and other services in order to assist these States in the eradication of prejudice or discrimination or in the protection of minorities; and that the services to be so authorized should include, but need not be restricted to, technical expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery”.

2. In September 1951 the Council, by its resolution 414 (XIII), section B II, had requested the Secretary-General, after consultation with the specialized agencies concerned, to make suggestions on the future work of the United Nations in the fields of prevention of discrimination and protection of minorities.

3. Among the suggestions which the Secretary-General submitted to the Council at its fourteenth session, pursuant to the resolution, was the following (E/2229, para. 68, suggestion N (b)) :

“That the Economic and Social Council submit, for the approval of the General Assembly, a resolution under which the Secretary-General would be authorized to render, at the request of Members of the United

Nations, expert technical advice and other services in order to assist governments of Members of the United Nations in the eradication of prejudice or discrimination or in the protection of minorities. The services to be authorized could include, but need not be restricted to, technical expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery, and also regarding educational programmes designed to combat prejudice and discrimination. The authorization should make it possible to render technical advice at the request of Members of the United Nations irrespective of whether or not the conditions to be combated are the consequence of economic causes or are themselves the reasons for economic distress or obstacles to the improvement of the state of the national economy".

4. The Secretary-General's suggestion was considered by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its 88th meeting on 25 September 1952 (E/CN.4/Sub.2/SR.88), at which time a statement was made by a representative of the Legal Department of the Secretariat on behalf of the Secretary-General to the effect that, in view of restrictions presently contained in the existing resolutions relating to technical assistance, the situations in which expert advice could be given to

governments in those fields were limited and that a new resolution would therefore have to be adopted by the General Assembly if it were desired to increase the range of situations in which requests for expert advice in those fields could be met.

5. At its 97th meeting on 1 October, the Sub-Commission considered and adopted a proposal on technical assistance in the fields of prevention of discrimination and protection of minorities, based on the Secretary-General's suggestion, submitted by one of its members. It prepared a draft resolution on the subject (E/CN.4/670, annex I, draft resolution K) which it submitted to the Commission on Human Rights.

6. The Commission, at its ninth session, considered the draft resolution (E/2447, para. 250) and recommended its adoption, in amended form, to the Economic and Social Council (E/2447, annex V, draft resolution G).

7. The Council examined the draft resolution at its sixteenth session¹ and, on 3 August 1953, adopted the resolution referred to in paragraph 1 above.

¹ See *Officials Records of the Economic and Social Council, Sixteenth Session*, 746th meeting, and documents E/AC.7/SR.252 to 256, inclusive.

DOCUMENT A/C.3/L.340

Ecuador, Haiti, India, Lebanon, Liberia and Philippines: draft resolution

[Original text: English]

[25 September 1953]

The General Assembly,

Having considered the recommendation contained in paragraph 2 of resolution 502 G (XVI) of the Economic and Social Council on technical assistance in the fields of prevention of discrimination and protection of minorities;

1. *Authorizes* the Secretary-General to render, at the request of Member States of the United Nations, technical advice and other services which do not fall within the scope of existing technical assistance programmes, in order to assist these States in the eradication of prejudice or discrimination or in the protection of minorities; and

2. *Decides* that the services so authorized may include, but need not be restricted to, technical advice regarding the drafting of legislation and the establishment of administrative and judicial machinery.

DOCUMENT A/C.3/L.340/Add.1

Financial implications of the draft resolution submitted by Ecuador, Haiti, India, Lebanon, Liberia and Philippines (A/C.3/L.340): estimate submitted by the Secretary-General

[Original text: English]

[25 September 1953]

1. The draft resolution would authorize the Secretary-General to render at the request of Member States technical advice and other services which do not fall within the scope of existing technical assistance programmes, in order to assist these States in the eradication of prejudice or discrimination or in the protection of minorities. The services may include, but need not be restricted to, technical advice regarding the drafting of legislation and the establishment of administrative and judicial machinery.

2. In view of the lack of information concerning the nature and volume of requests which may arise under

this resolution, the Secretariat is unable at this stage to give any cost estimates for 1954 and subsequent years. The assistance contemplated under the draft resolution would accordingly be provided to the greatest possible extent from existing resources through the use of staff members seconded from the permanent establishment. It is probable that such requests would involve expenditure for travel and subsistence of seconded staff and for necessary miscellaneous expenses. As regards local costs, it is assumed that they would be borne by recipient governments in accordance with the usual technical assistance arrangements.

3. Should the above-mentioned measures prove to be inadequate, the Secretary-General would rely on the resolution on unforeseen and extraordinary expenses whereby, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions, additional resources from the Working Capital Fund might be made available to meet urgent needs.

4. The Secretary-General believes that in the course of time additional funds will be required to carry out such additional work, and the experience of 1954 will be used to provide the General Assembly with pertinent information on the basis of which a decision can be made on financial action required in the future.

DOCUMENT A/C.3/L.341

Mexico: amendment to the draft resolution submitted by Ecuador, Haiti, India, Lebanon, Liberia and Philippines (A/C.3/L.340)

[Original text: Spanish]
[28 September 1953]

Paragraph 2 of the operative part

Replace the full stop by a comma and add the following words: "and appropriate services in such matters of fundamental importance as education".

DOCUMENT A/C.3/L.341/Rev.1

Mexico: revised amendment to the draft resolution submitted by Ecuador, Haiti, India, Lebanon, Liberia and Philippines (A/C.3/L.340)

[Original text: Spanish]
[29 September 1953]

Paragraph 2 of the operative part

Replace the full stop by a comma and add the following words: "and appropriate services in such matters of fundamental importance as education, subject to arrangements within existing agreements with the competent specialized agencies".

DOCUMENT A/C.3/L.342

Syria: amendments to the draft resolution submitted by Ecuador, Haiti, India, Lebanon, Liberia and Philippines (A/C.3/L.340)

[Original text: French]
[28 September 1953]

Paragraph 1 of the operative part

1. After the words "United Nations" omit the comma and insert the words "which are directly interested,".

2. After the word "States" insert a comma and the following words "each in so far as it is concerned,".²

² In the provisional form of this document point 2 of the amendment read as follows: "After the words 'in order to assist these States' insert the words 'each in matters which concern them,'".

DOCUMENT A/C.3/L.343

Guatemala: amendment to the draft resolution submitted by Ecuador, Haiti, India, Lebanon, Liberia and Philippines (A/C.3/L.340)

[Original text: Spanish]
[29 September 1953]

Replace paragraph 1 of the operative part by the following text:

"Authorizes the Secretary-General to render, at the request of States Members of the United Nations in whose jurisdiction there are minorities, technical advice which does not fall within the scope of existing technical assistance programmes, in order to assist these States, each in so far as it is concerned,³ in the eradication of prejudice or discrimination against minorities and in the development of their economic and social potentialities;"

³ In the provisional form of this document the phrase "each in so far as it is concerned" had read "each in matters which concern them".

DOCUMENT A/C.3/L.344**Syria: amendments to the amendment submitted by Guatemala (A/C.3/L.343)**[Original text: English]
[29 September 1953]*Paragraph 1 of the operative part*

1. After the words "United Nations" omit the comma and insert the words "which are directly interested and"

2. After the words "these States" insert a comma and replace the words "each in matters which concern them" by the words "each in so far as it is concerned,".

DOCUMENT A/C.3/L.346**Ecuador, Haiti, India, Lebanon, Liberia, Mexico and Philippines: draft resolution**[Original text: English and Spanish]
[30 September 1953]*The General Assembly,*

Having considered the recommendation contained in paragraph 2 of resolution 502 G (XVI) of the Economic and Social Council on technical assistance in the fields of prevention of discrimination and protection of minorities,

1. *Authorizes* the Secretary-General to render, at the request of any State Member of the United Nations, technical advice and other services which do not fall within the scope of existing technical assistance programmes, in order to assist the government of that State within its territory in the eradication of discrimination or in the protection of minorities; and

2. *Decides* that the services so authorized may include, but need not be restricted to, technical advice regarding the drafting of legislation and the establishment of administrative and judicial machinery and appropriate services in such matters of fundamental importance as education, subject to arrangements within existing agreements with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies.

DOCUMENT A/2495**Report of the Third Committee**[Original text: English]
[3 October 1953]

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, decided to allocate to the Third Committee the agenda item "Technical assistance in the fields of prevention of discrimination and protection of minorities".

2. The Committee considered the item at its 487th, 488th and 489th meetings held on 28, 29 and 30 September 1953, having before it chapter V, section IV, paragraph 813, of the report of the Economic and Social Council (A/2430), together with a note by the Secretary-General (A/2453), directing attention to paragraph 2 of the operative part of Council resolution 502 G (XVI) of 3 August 1953. In that resolution the Council recommended to the General Assembly the adoption of a resolution authorizing the Secretary-General to render, at the request of Member States of the United Nations, expert technical advice and other services in order to assist these States in the eradication of prejudice or discrimination or in the protection of minorities; and that the services to be so authorized should include, but need not be restricted to, technical expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery.

3. The discussion in the Third Committee centred mainly upon a draft resolution (A/C.3/L.340) submitted by Ecuador, Haiti, India, Lebanon, Liberia and the Philippines, which would extend the Secretary-General's authorization in the manner recommended in the Council's resolution. Amendments to this draft resolution were submitted by Mexico (A/C.3/L.341/Rev.1) to paragraph 2 of the operative part and by Syria (A/C.3/L.342) and Guatemala (A/C.3/L.343) to paragraph 1 of the operative part. Syria also submitted a sub-amendment (A/C.3/L.344) to the Guatemalan amendment.

4. Most representatives expressed support of the draft resolution. Others, while finding themselves in agreement with the principle on which the draft resolution was based, questioned whether the urgent need for such an authorization had been established, and expressed doubts as to its consequences and financial implications.

5. With respect to the financial implications, it was pointed out in a statement submitted by the Secretary-General under rule 152 of the rules of procedure (A/C.3/L.340/Add.1) that the assistance contemplated under the draft resolution would be provided to the

greatest possible extent from existing resources through the use of staff members seconded from the permanent establishment, and that the experience of 1954 would be used to provide the General Assembly with pertinent information on the basis of which a decision could be made on financial action required in the future.

6. At the 489th meeting of the Third Committee, the sponsors of the six-Power draft resolution, together with Mexico, submitted a revised draft resolution (A/C.3/L.346) incorporating certain of the amendments which had been proposed, and taking into account suggestions made during the debate. The amendments of Mexico (A/C.3/L.341/Rev.1) and Syria (A/C.3/L.342 and A/C.3/L.344) were withdrawn.

7. Paragraph 1 of the operative part of the draft resolution was voted on as follows:

(a) The amendment submitted by Guatemala (A/C.3/L.343) was rejected by 23 votes to 8, with 21 abstentions.

(b) The first part of the paragraph, up to the words "eradication of discrimination", was adopted by a roll-call vote of 37 to none, with 18 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Bolivia, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Philippines, Poland, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay and Yugoslavia.

Against: None.

Abstaining: Afghanistan, Australia, Burma, Denmark, France, Netherlands, New Zealand, Norway, Pakistan, Peru, Saudi Arabia, Sweden, Syria, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Venezuela and Yemen.

(c) The last phrase of the same paragraph, "or in the protection of minorities", was adopted by 35 votes to none, with 18 abstentions.

(d) An oral amendment submitted by the representative of Venezuela, in which the words "or both" were added at the end of the paragraph, was adopted by 17 votes to 4, with 30 abstentions.

8. The draft resolution as a whole, as amended, was adopted by a roll-call vote of 36 to none, with 18 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Philippines, Poland, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela and Yugoslavia.

Against: None.

Abstaining: Afghanistan, Australia, Burma, Denmark, France, Indonesia, Netherlands, New Zealand, Norway, Pakistan, Peru, Saudi Arabia, Sweden, Syria, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland and Yemen.

Recommendation of the Third Committee

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

Draft resolution

TECHNICAL ASSISTANCE IN THE FIELDS OF PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

The General Assembly,

Having considered the recommendation contained in paragraph 2 of Economic and Social Council resolution 502 G (XVI) of 3 August 1953 on technical assistance in the fields of prevention of discrimination and protection of minorities,

1. *Authorizes* the Secretary-General to render, at the request of any State Member of the United Nations, technical advice and other services which do not fall within the scope of existing technical assistance programmes, in order to assist the government of that State within its territory in the eradication of discrimination or in the protection of minorities or both;

2. *Decides* that the services so authorized may include, but need not be restricted to, technical advice regarding the drafting of legislation and the establishment of administrative and judicial machinery and appropriate services in such matters of fundamental importance as education, subject to arrangements within existing agreements with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies.

DOCUMENT A/2511

Seventh report of the Advisory Committee on Administrative and Budgetary Questions: financial implications of the draft resolution submitted by the Third Committee (A/2495)

[Original text: English]

[15 October 1953]

1. The draft resolution submitted by the Third Committee (A/2495) authorizes the Secretary-General to render, at the request of any State Member of the United Nations, technical advice and other services that do not fall within the scope of existing technical assistance programmes, in order to assist the government of that State within its territory in the eradication of discrimination or in the protection of minorities or both.

2. The statement of financial implications (A/C.3/L.340/Add.1), submitted by the Secretary-General as required under rule 152 of the rules of procedure, shows that it is not possible at this stage to estimate possible requirements during 1954 and subsequent years. Expenditure,

if any, under the proposed resolution would arise in response to Members' requests, the nature and volume of which cannot be foreseen. The Secretary-General has, however, stated his intention of relying as far as possible on the existing budgetary provision when furnishing whatever assistance may be requested.

3. Subject to this reservation, the Advisory Committee agrees to the proposal of the Secretary-General that any additional expenses to meet urgent needs contemplated in the draft resolution should be financed from the Working Capital Fund as an unforeseen or extraordinary commitment requiring the prior concurrence of the Advisory Committee.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted the draft resolution submitted by the Third Committee (see page 5, para. 9). For the final text see resolution 730 (VIII).

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Agenda item 64: Invitation to non-member States to become Parties to the Convention on the Political Rights of Women

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DOCUMENT A/2445

Memorandum by the Secretary-General

[Original text: English]
[26 August 1953]

1. The General Assembly, by resolution 640 (VII) of 20 December 1952, adopted the Convention on the Political Rights of Women and opened it for signature and ratification or accession by States Members of the United Nations.

2. Article IV, paragraph 1, of the Convention provides as follows :

"1. This Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the General Assembly."

Article V, paragraph 1, specifies that the Convention shall be open for accession to all States referred to in paragraph 1 of article IV.

3. The Economic and Social Council at its sixteenth session adopted, on 23 July 1953, resolution 504 E (XVI), reading as follows :

The Economic and Social Council,

"Noting that the Convention on Political Rights of Women approved by General Assembly resolution 640 (VII) of 20 December 1952 is now open for signature

and ratification or accession by States Members of the United Nations,

"1. Urges Member States which have not yet done so to sign and ratify or accede to the Convention on the Political Rights of Women ;

"Considering that articles IV and V of this Convention provide, *inter alia*, that the Convention shall be open to signature and ratification or accession on behalf of any non-member State to which an invitation has been addressed by the General Assembly,

"2. Recommends that the General Assembly invite signature and ratification or accession by non-member States which are or become members of one or more of the specialized agencies of the United Nations or are or become Parties to the Statute of the International Court of Justice ;

"3. Requests that States Parties to the Convention report every two years to the Economic and Social Council on the measures taken by them to implement the provisions of the Convention on Political Rights of Women."

DOCUMENT A/2508
Report of the Sixth Committee

[Original text: French]
[13 October 1953]

1. By its resolution 504 E (XVI) of 23 July 1953 the Economic and Social Council, after taking into consideration the fact that articles IV and V of the Convention on Political Rights of Women provide *inter alia* that "the Convention shall be open to signature and ratification or accession on behalf of any non-member State to which an invitation has been addressed by the General Assembly", recommended that the General Assembly should "invite signature and ratification or accession by non-member States which are or become members of one or more of the specialized agencies of the United Nations or are or become parties to the Statute of the International Court of Justice".

2. The Secretary-General in his memorandum dated 26 August 1953 (A/2445), drew the attention of the General Assembly to that resolution.

3. At its 435th plenary meeting held on 17 September 1953, the General Assembly decided to place the item "Invitation to non-member States to become Parties to the Convention on the Political Rights of Women" on the agenda of its eighth session, and referred it to the Sixth Committee.

4. The Sixth Committee considered the item at its 367th meeting, held on 7 October 1953.

5. A draft resolution (A/C.6/L.297) was submitted jointly by Cuba, Dominican Republic, Greece and the Philippines. Under the operative part of that draft resolution, the General Assembly was to request the Secretary-General to dispatch "to each non-member State which is or hereafter becomes a member of one or more of the specialized agencies of the United Nations, or which is or hereafter becomes a Party to the Statute of the International Court of Justice" an invitation to become a Party to the Convention on the Political Rights of Women.

6. During debate in the Sixth Committee, several delegations stressed the importance of the Convention and urged that the Convention should be opened to signature and ratification or accession by the largest possible number of States, including non-member States.

7. Other delegations, while agreeing that the Convention ought to be open to accession by non-member States, argued that paragraph 1 of the Council's resolution 504 E (XVI) contained an important point which was implied in the draft resolution before the Committee. The paragraph 1 in question urges Member States which have not yet done so to sign and ratify or accede to the Convention.

8. The draft resolution was adopted by 41 votes to none, with 4 abstentions.

Recommendation of the Sixth Committee

9. The Sixth Committee therefore recommends that the General Assembly should adopt the following draft resolution:

INVITATION TO NON-MEMBER STATES TO BECOME PARTIES
TO THE CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

The General Assembly,

Taking note of resolution 504 E (XVI) of the Economic and Social Council, dated 23 July 1953,

Considering that articles IV and V of the Convention on the Political Rights of Women provide, inter alia, that the Convention shall be open to signature and ratification or to accession on behalf of any non-member State to which an invitation has been addressed by the General Assembly,

Decides to request the Secretary-General to dispatch such an invitation to each non-member State which is or hereafter becomes a member of one or more of the specialized agencies of the United Nations, or which is or hereafter becomes a Party to the Statute of the International Court of Justice.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 453rd plenary meeting, on 23 October 1953, the General Assembly adopted the above draft resolution, submitted by the Sixth Committee. For the final text, see resolution 793 (VIII).

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A/RESOLUTION/114	Resolution adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 793 (VIII).

**GENERAL
ASSEMBLY**



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ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 65 : Development of political rights of women in territories where these rights are not fully enjoyed

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A/C.3/L.347	Syria : amendments to the draft resolution submitted by Chile, Cuba, Dominican Republic, Greece, India, Indonesia and Philippines (A/C.3/L.345/Rev.1)	1
A/C.3/L.347/Rev.1	Syria : revised amendments to the draft resolution submitted by Chile, Cuba, Dominican Republic, Greece, India, Indonesia and Philippines (A/C.3/L.345/Rev.1)	2
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DOCUMENT A/C.3/L.347

Syria : amendments to the draft resolution submitted by Chile, Cuba, Dominican Republic, Greece, India, Indonesia and Philippines (A/C.3/L.345/Rev.1)

[Original text : French]
[1 October 1953]

1. Insert the words "and legislative" after the word "educational" in the operative part of the draft resolution.

2. Add the following two paragraphs to the operative part of the draft resolution :

"Requests the Trusteeship Council to be careful to ensure that the Administering Authorities of Trust Territories reply adequately and in detail to the revised questionnaire adopted by the Council in accordance with Article 88 of the Charter, and particularly to the questions relating to the status of women ;

"Requests the Secretary-General to report to the General Assembly at its ninth session on the steps taken to give effect to this resolution."

DOCUMENT A/C.3/L.347/Rev.1

Syria: revised amendments to the draft resolution submitted by Chile, Cuba, Dominican Republic, Greece, India, Indonesia and Philippines (A/C.3/L.345/Rev.1)

[Original text: French]
[2 October 1953]

1. Insert the words "and legislative" after the word "educational" in the operative part of the draft resolution.

2. Add the following two paragraphs to the operative part of the draft resolution:

"Requests the Trusteeship Council to be careful to ensure that the Administering Authorities of Trust Territories reply adequately and in detail to the questions relating to the status of women in the revised questionnaire adopted by the Council in accordance with Article 88 of the Charter;

"Requests the Secretary-General to report to the General Assembly at its ninth session on the steps taken to give effect to this resolution."

DOCUMENT A/2503

Report of the Third Committee

[Original text: English]
[10 October 1953]

1. The General Assembly, at its 435th plenary meeting held on 17 September 1953, decided to allocate to the Third Committee the item "Development of political rights of women in territories where these rights are not fully enjoyed".

2. The Committee considered this item at its 490th, 491st and 492nd meetings held on 1, 2 and 6 October 1953. It had before it chapter V, section XII, paragraph 867, of the report of the Economic and Social Council (A/2430), together with a note by the Secretary-General (A/2452) directing attention to Council resolution 504 F (XVI) of 23 July 1953. In that resolution the Council invited "the General Assembly and the Trusteeship Council, as appropriate, in collaboration with the governments of all States which administer territories, including Trust and Non-Self-Governing Territories, where women do not enjoy full political rights, to take all necessary measures leading to the development of political rights of women in such territories, in particular by means of education"; and invited "the Secretary-General to report to the Commission on the Status of Women on the steps taken to implement this resolution".

3. A draft resolution was submitted by Chile, Cuba, the Dominican Republic, Greece, India, Indonesia, and the Philippines (A/C.3/L.345/Rev.1) in which States were urged to take all necessary measures, particularly educational measures, leading to the development of the political rights of women in all territories in which women do not enjoy full political rights, including Trust and Non-Self-Governing Territories. Amendments to the draft resolution were submitted by Syria (A/C.3/L.347) calling for, first, the insertion, in the operative paragraph, of a reference to legislative measures; and secondly, the addition of a new operative paragraph requesting the Trusteeship Council to ensure that questions in the revised questionnaire, and in particular questions relating to the status of women, should be replied to adequately by the Administering Authorities and another new operative paragraph requesting the

Secretary-General to report to the General Assembly at its ninth session on the steps taken to give effect to the resolution. The first part of the second amendment was subsequently revised by its sponsor (A/C.3/L.347/Rev.1) to limit its scope to the questions in the revised questionnaire relating to the status of women.

4. The discussion centred mainly round the draft resolution and the Syrian amendments. Strong support for the principles expressed in the draft resolution was expressed by all representatives.

5. The opinion was voiced that the Commission on the Status of Women, in making its recommendation, on which Economic and Social Council resolution 504 F (XVI) and the draft resolution were based, had been unduly general and should instead, as an expert body, have made specific suggestions on concrete measures which the General Assembly could recommend to States.

6. Several representatives stated that the draft resolution was a consequence of one of several specific recommendations made by the Commission on the Status of Women after it had studied the problem of the development of women's political rights and had concluded that educational measures were necessary.

7. Some representatives felt that the emphasis in the draft resolution should not be solely on education as a measure leading towards the development of full political rights for women. Others, while considering that emphasis appropriate, nevertheless saw no objection to including mention of legislative measures as proposed in the first Syrian amendment. The view was expressed that illiteracy was not a proper ground for denying women the right to vote, and that granting full political rights to women could well precede and give impetus to measures for the education of women. It was stressed that no approval of the imposition of educational qualifications as a prerequisite for women's right to vote was implied by the language of the draft resolution.

8. The Syrian amendment concerning the Trusteeship Council and the revised questionnaire was considered by several representatives as unnecessary in the light of Economic and Social Council resolution 504 K (XVI) dealing with the questionnaire on Trust Territories as it related to the status of women. Others were of the opinion that the discussion of the matter was necessary but that it might preferably be discussed in the Fourth Committee, although the Third Committee was competent to discuss it.

9. The second part of the second Syrian amendment in which the Secretary-General was requested to report to the General Assembly, was withdrawn by its sponsor.

10. An oral proposal by the representative of Afghanistan that the text of the second amendment of Syria should be referred to the General Assembly in the Rapporteur's report, with a recommendation that it should be referred to the Fourth Committee for further consideration by that Committee, which would report thereon to the General Assembly for final action, was adopted by 26 votes to 13, with 13 abstentions.

11. The first Syrian amendment (A/C.3/L.347/Rev.1), calling for insertion of the words "and legislative" after the word "educational" in the operative paragraph of the draft resolution, was adopted by 32 votes to 8, with 12 abstentions.

12. The draft resolution, as amended, was adopted as a whole by a roll-call vote of 53 votes to none, with 1 abstention. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, New Zealand, Nicaragua, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics,

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

Against: None.

Abstaining: Netherlands.

Recommendations of the Third Committee

13. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

DEVELOPMENT OF POLITICAL RIGHTS OF WOMEN IN TERRITORIES WHERE THESE RIGHTS ARE NOT FULLY ENJOYED

The General Assembly,

Recalling its resolution 56 (I) of 11 December 1946 relating to the political rights of women, which was reaffirmed in resolution 640 (VII) of 20 December 1952,

Having considered resolution 504 F (XVI) of the Economic and Social Council,

Urges States to take all necessary measures, particularly educational and legislative measures, leading to the development of the political rights of women in all territories in which women do not enjoy full political rights, including Trust and Non-Self-Governing Territories.

14. The Committee also recommends that the General Assembly should refer the following text (proposed by Syria in its second amendment) to the Fourth Committee, for further consideration by that Committee and report thereon to the General Assembly:

"[The General Assembly,]

"Requests the Trusteeship Council to be careful to ensure that the Administering Authorities of Trust Territories reply adequately and in detail to the questions relating to the status of women in the revised questionnaire adopted by the Council in accordance with Article 88 of the Charter".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 454th plenary meeting, on 23 October 1953, the General Assembly adopted the draft resolution submitted by the Third Committee (see above, para 13). For the final text see resolution 731 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 3
A/2452	Note by the Secretary-General		Mimeographed document only
A/2462	Constitutions, electoral laws and other legal instruments relating to the franchise of women and their eligibility to public offices and functions—Memorandum by the Secretary-General		Mimeographed document only
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<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
A/C.3/L.345/Rev.1	Chile, Cuba, Dominican Republic, Greece, India, Indonesia and Philippines: draft resolution		Mimeographed document only
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A/C.3/L.347/Rev.1	Syria: revised amendments to the draft resolution submitted by Chile, Cuba, Dominican Republic, Greece, India, Indonesia and Philippines (A/C.3/L.345/Rev.1)	2	
A/RESOLUTION/121	Resolution adopted by the General Assembly at its 454th plenary meeting on 23 October 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 731 (VIII)</i>
E/CN.6/210	Information concerning the status of women in Trust Territories—Report by the Secretary-General		Mimeographed document only
E/CN.6/211	Information concerning the status of women in Non-Self-Governing Territories—Report by the Secretary-General		Mimeographed document only
E/CN.6/212	Women in political and public life—Report by the Secretary-General concerning the participation of women in the political and public life of the country (number of women in elective State bodies, local government bodies etc.)		Mimeographed document only



Agenda item 66: Programme of concerted practical action in the social field of the United Nations and the specialized agencies

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A/C.3/L.351	Syria: amendment to the amendment submitted by France (A/C.3/L.350)	2
A/C.3/L.352	Lebanon: amendments to the draft resolution submitted by Ecuador, Philippines, United States and Yugoslavia (A/C.3/L.348)	2
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DOCUMENT A/C.3/L.348

Ecuador, Philippines, United States of America and Yugoslavia: draft resolution

[Original text: English]
[5 October 1953]

The General Assembly,

Recalling its resolution 535 (VI), which requested the Economic and Social Council to examine the social activities undertaken by the United Nations and the specialized agencies and to draw up a programme of practical action in the social field,

1. Thanks the Economic and Social Council for the careful manner in which it has carried out this request, in co-operation with Member Governments, the specialized agencies, the Social Commission and the Secretary-General;

2. Takes note with appreciation of the programme of practical action in the social field of the United Nations and the specialized agencies adopted in resolution 496 (XVI) by the Economic and Social Council; and

3. Requests the Economic and Social Council:

(a) To keep the development of this programme under review;

(b) To consider, as appropriate, further practical measures which may be undertaken in accordance with its resolution 496 (XVI); and

(c) To report, as appropriate, to the General Assembly on the progress achieved.

DOCUMENT A/C.3/L.349

Egypt and Saudi Arabia: amendments to the draft resolution submitted by Ecuador, Philippines, United States and Yugoslavia (A/C.3/L.348)

[Original text: French]
[6 October 1953]

1. Delete paragraph 1.
2. Delete the words "with appreciation" in paragraph 2.
3. Delete the words "as appropriate," in paragraph 3 (c).

DOCUMENT A/C.3/L.350

France: amendment to the draft resolution submitted by Ecuador, Philippines, United States and Yugoslavia (A/C.3/L.348)

[Original text: French]
[8 October 1953]

After paragraph 2, insert a paragraph 3 as follows:

Invites the Secretary-General and the specialized agencies to keep particularly in mind, in the implementation of the projects of the programme of practical action, the general principles and methods and techniques defined in resolution 496 (XVI) of the Economic and Social Council;

Paragraph 3 of the draft resolution would then become paragraph 4.

DOCUMENT A/C.3/L.351

Syria: amendment to the amendment submitted by France (A/C.3/L.350)

[Original text: French]
[8 October 1953]

Amend the end of the proposed paragraph 3 as follows:

"... in the implementation of the projects of the programme of practical action, paragraph 6 of Economic and Social Council resolution 496 (XVI) and the general principles, methods and techniques defined in the said resolution;"

DOCUMENT A/C.3/L.352

Lebanon: amendments to the draft resolution submitted by Ecuador, Philippines, United States and Yugoslavia (A/C.3/L.348)

[Original text: French]
[8 October 1953]

1. *Paragraph 2 of the operative part.* After the words "Takes note with appreciation of" insert the words "the efforts to develop".
2. *Paragraph 3 of the operative part.* After the words "to keep the developments of this programme under review" insert the words "with a view to its constant improvement".

DOCUMENT A/C.3/L.353

Ecuador, Egypt, France, Lebanon, Philippines, Syria, United States of America and Yugoslavia: draft resolution¹

[Original text: English]
[9 October 1953]

The General Assembly,

Reaffirming the principles contained in resolution 535 (VI),

1. Takes note with appreciation of the efforts made to establish the programme of concerted practical action in the social field of the United Nations and the specialized agencies adopted in resolution 496 (XVI) by the Economic and Social Council;

2. Invites the Secretary-General and the specialized agencies to keep particularly in mind in the implementation of the projects of the programme of practical action the general principles, methods and techniques defined in resolution 496 (XVI) of the Economic and Social Council with special consideration to² the needs of the under-developed countries; and

3. Requests the Economic and Social Council:

(a) To keep the development of this programme under consideration with a view to its progressive improvement;

(b) To consider, as appropriate, further practical measures which may be undertaken in accordance with resolution 535 (VI) of the General Assembly and resolution 496 (XVI) of the Economic and Social Council; and

(c) To report to the General Assembly on the progress achieved.

¹ Contains the verbal amendment proposed by the representative of Afghanistan at the 495th meeting and accepted by the sponsors of this draft resolution.

² In the provisional form of this document the phrase "with special consideration to" read "as well as".

DOCUMENT A/2514

Report of the Third Committee

[Original text: English]
[19 October 1953]

1. The General Assembly, at its 435th plenary meeting held on 17 September 1953, decided to allocate to the Third Committee the item "Programme of concerted practical action in the social field of the United Nations and the specialized agencies".

2. The Committee considered this item at its 492nd to 496th meetings inclusive, held respectively on 6, 7, 8, 9 and 12 October 1953. It had before it chapter IV, section I, of the report of the Economic and Social Council (A/2430) and a note by the Secretary-General (A/2474) drawing attention to Economic and Social Council resolution 496 (XVI) of 31 July 1953, which states the conclusions of its examination of the social activities of the United Nations and the specialized agencies, as contained in documents E/CN.5/291 and addenda, undertaken in accordance with General Assembly resolution 535 (VI) of 2 February 1952, and sets forth principles and methods for carrying out an international programme of practical action in the social field.

3. A draft resolution was submitted by Ecuador, the Philippines, the United States of America and Yugoslavia (A/C.3/L.348) in which the General Assembly would thank the Economic and Social Council for the careful manner in which it had carried out the request contained in resolution 535 (VI), in co-operation with the governments of Member States, the specialized agencies, the Social Commission and the Secretary-General; would take note with appreciation of the programme of practical action in the social field of the United Nations and of

the specialized agencies adopted in Council resolution 496 (XVI); and would request the Council (a) to keep the development of that programme under review; (b) to consider, as appropriate, further practical measures which might be undertaken in accordance with its resolution 496 (XVI); and (c) to report, as appropriate, to the General Assembly on the progress achieved.

4. The discussion centred mainly round this draft resolution in relation to resolution 496 (XVI) of the Economic and Social Council. Emphasis was placed on the urgent necessity of promoting social as well as economic progress as a means for the elimination of the evils of poverty, ignorance and disease reflected in the *Preliminary Report on the World Social Situation* (E/CN.5/267/Rev.1).

5. Attention was drawn to the inadequacy of available national and international resources for the implementation of the vast programmes essential to the solution of world-wide social problems. Some representatives emphasized the fact that it would be preferable to adopt a realistic approach and to concentrate the limited resources available on projects of primary importance. Other representatives, bearing in mind the current limitations of resources, considered the existing international social programmes as evolutionary rather than final. A number of representatives agreed with the Council that international assistance in the social field should aim particularly at promoting and implementing community development projects and extending training programmes and facilities. In all those stages of development the

importance of the co-operation of the various specialized agencies and non-governmental organizations was emphasized.

6. Several representatives pointed out that the expression of thanks and appreciation in the joint resolution was inappropriate before it had been determined to what extent the Council resolution met the request expressed by the General Assembly in resolution 535 (VI). Similarly, certain other representatives felt that the use of the words "as appropriate" in the last paragraph would give too free a hand to the Council in the proposed review of the programme and its report to the General Assembly. With a view to meeting those arguments, amendments to the draft resolution were submitted by Egypt and Saudi Arabia (A/C.3/L.349) and by Lebanon (A/C.3/L.352). The amendment submitted by Egypt and Saudi Arabia called for the deletion of paragraph 1 of the operative part of the four-Power draft resolution and the deletion of the words "with appreciation" in paragraph 2 of the operative part and of the words "as appropriate" in paragraph 3 (c) of the operative part. In the amendment submitted by Lebanon it was proposed that the words "the efforts to develop" should be inserted after the words "Takes note with appreciation of" in paragraph 2 of the operative part and that the words "with a view to its constant improvement" be inserted after the words "to keep the development of this programme under review" in paragraph 3 of the operative part.

7. A further amendment was submitted by France (A/C.3/L.350). It called for the insertion between paragraphs 2 and 3 of the operative part, of a new operative paragraph in which the Secretary-General and the specialized agencies would be invited to keep particularly in mind, in the implementation of the projects of the programme of practical action, the general principles and methods and techniques defined in Council resolution 496 (XVI). A modification of the wording of the amendment was suggested by Syria (A/C.3/L.351) introducing a reference to paragraph 6 of the same Council resolution. The sponsors of the four-Power draft resolution accepted the amendment submitted by France.

8. After consultation between the sponsors of the joint draft resolution and the authors of the above-mentioned amendments, a revised joint draft resolution (A/C.3/L.353) was submitted by Ecuador, Egypt, France, Lebanon, the Philippines, Syria, the United States of America and Yugoslavia to replace the original draft resolution (A/C.3/L.348) and the amendments thereto.

9. An oral amendment was proposed by the representative of Afghanistan designed to ensure that emphasis should be placed on the special needs of the underdeveloped countries. The amendment was accepted by the sponsor of the revised joint draft resolution.

10. Certain representatives expressed the view that the revised joint text was not acceptable, since it failed to give adequate attention to the question of extending public health, education and social security services without discrimination in a number of countries, including Trust and Non-Self-Governing Territories.

11. Accordingly, further amendments (A/C.3/L.354) to the joint draft resolution (A/C.3/L.353) were proposed by the Union of Soviet Socialist Republics. Point 1 of the amendments called for the insertion, as paragraph 3, of a new operative paragraph to read as follows:

"3. *Recommends* that the Economic and Social Council should supplement and amend the programme of concerted practical action in the social field of the United Nations and the specialized agencies set forth in resolution 496 (XVI), as follows:

"(a) Paragraph 8 (b) to be worded:

'Ensure greater accessibility of medical service for the population without discrimination as to race, sex, language, creed, property status or social origin;'

"(b) Paragraph 8 (d) to be worded:

'Extend social security measures, unemployment, old age, disability and sickness insurance measures, and maternal and child welfare measures;'

"(c) Paragraph 8 (f) to be worded:

'Promote greater accessibility of education for the broad masses of the population and introduce in the States Members of the United Nations free compulsory primary education for all citizens without any discrimination as to race, sex, language, creed, property status or social origin;'

"(d) A new paragraph 8 (i) to be inserted:

'Improve the situation with respect to health, education and social welfare in the Non-Self-Governing and Trust Territories.'

In point 2 of the USSR amendments it was further proposed that in paragraph 3 of the joint draft resolution the words "with the additions and amendments thereto recommended to the Economic and Social Council by the General Assembly at its eighth session" should be inserted after the words "in accordance with its resolution 496 (XVI)".

12. The sub-paragraphs proposed in point 1 of the USSR amendments were voted upon as follows:

Sub-paragraph (a) was rejected by 27 votes to 10, with 14 abstentions.

Sub-paragraph (b) was rejected by 27 votes to 7, with 17 abstentions.

Sub-paragraph (c) was rejected by 25 votes to 11, with 15 abstentions.

At the request of the representatives of Afghanistan and Syria, a roll-call vote was taken on sub-paragraph (d). The result was as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, China, Denmark, France, Greece, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstentions: Brazil, Canada, Chile, Israel, Lebanon, Peru, Thailand, Turkey, Uruguay, Venezuela.

Sub-paragraph (d) was adopted by 28 votes to 13, with 10 abstentions. In view of the adoption of a paragraph of the USSR amendment, it was understood that the preamble to that amendment would also be included in the new operative paragraph 3 of the joint draft resolution, the existing paragraph 3 to become operative paragraph 4; and the phrase in the USSR amendment: "with the addition [s] [and amendments] thereto recommended to the Economic and Social Council by the General Assembly at its eighth session", would be included in paragraph 4 (b) of the revised draft resolution.

13. The joint draft resolution (A/C.3/L.353), as amended, was adopted as a whole by 38 votes to none, with 11 abstentions.

Recommendation of the Third Committee

14. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Draft resolution

PROGRAMME OF CONCERTED PRACTICAL ACTION IN THE SOCIAL FIELD OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

The General Assembly,

Reaffirming the principles contained in its resolution 535 (VI) of 2 February 1952,

1. Takes note with appreciation of the efforts made to establish the programme of concerted practical action in the social field of the United Nations and the specialized agencies adopted in Economic and Social Council resolution 496 (XVI) of 31 July 1953 ;

2. Invites the Secretary-General and the specialized agencies to keep particularly in mind in the implementation of the projects of the programme of practical action the general principles, methods and techniques defined in Economic and Social Council resolution 496 (XVI), special consideration being given to the needs of the under-developed countries ;

3. Recommends that the Economic and Social Council should supplement the programme of concerted practical action in the social field of the United Nations and the specialized agencies as set forth in resolution 496 (XVI), by the insertion of a new paragraph 8 (i) reading as follows :

“Improve the situation with respect to health, education and social welfare in the Non-Self-Governing and Trust Territories ;”

4. Requests the Economic and Social Council :

(a) To keep the development of the programme under consideration with a view to its progressive improvement ;

(b) To consider, as appropriate, further practical measures which may be undertaken in accordance with General Assembly resolution 535 (VI) and Economic and Social Council resolution 496 (XVI) with the addition thereto recommended to the Economic and Social Council by the General Assembly at its eighth session ;

(c) To report to the General Assembly on the progress achieved.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 454th plenary meeting, on 23 October 1953, the General Assembly adopted the draft resolution submitted by the Third Committee (see above). For the final text see resolution 732 (VIII).

CHECK LIST OF DOCUMENTS

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A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No.3</i>
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A/RESOLUTION/122	Resolution adopted by the General Assembly at its 454th plenary meeting on 23 October 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 732 (VIII)</i>
E/CN.5/267/Rev.1	Preliminary Report on the World Social Situation		United Nations Publications. Sales No. : 1952.IV.11
E/CN.5/291 and addenda	Programme of concerted practical action in the social field of the United Nations and the specialized agencies—Report by the Secretary-General		Mimeographed document only
E/L.541/Add.1	Financial implications of the amendments submitted by Argentina, Philippines, United States and Yugoslavia (E/L.541)—Estimate submitted by the Secretary-General		<i>Official Records of the Economic and Social Council, Sixteenth Session, Annexes, agenda item 10</i>

GENERAL ASSEMBLY

Official Records



ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 67 : Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention

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DOCUMENT A/2458

Note by the Secretary-General

[Original text : English]
[2 September 1953]

1. By its resolution 502 E (XVI) of 3 August 1953, on the Convention on Prevention and Punishment of the Crime of Genocide, the Economic and Social Council :

"1. Draws the attention of the General Assembly to the resolution of the Commission on Human Rights¹ relating to the Convention on Prevention and Punishment of the Crime of Genocide ;

"2. Requests the General Assembly :

"(a) To reiterate its appeal to States to accelerate their ratifications or adherences to the Convention ;

"(b) To undertake all necessary measures designed to assure the widest possible diffusion of the nature, contents and purposes of the Convention, and in particular, make known the list of States having voted for, signed, ratified or adhered to the Convention."

2. The Convention on Prevention and Punishment of the Crime of Genocide was approved, and proposed for signature and ratification or accession, by the General Assembly in its resolution 260 A (III) of 9 December 1948. Subsequently, by resolution 368 (IV) of 3 December 1949, the General Assembly, *inter alia*, stated that it remained convinced of the necessity of inviting Members of the United Nations which had not done so to sign or ratify the Convention as soon as possible.

3. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its fourth session, held in New York from 1 to 16 October 1951, submitted to the Commission on Human Rights a draft resolution relating to the Convention on the Prevention and Punishment of the Crime of Genocide (E/CN.4/641, annex I, draft resolution VI). The Sub-Commission's draft was in two parts, part A relating to measures to accelerate the ratifications of, or accessions to, the Convention, and measures to assure its widest possible diffusion; and part B relating to the possible establishment of an international penal tribunal.

4. The Commission on Human Rights, at its ninth session, held in Geneva from 7 April to 30 May 1953, considered the Sub-Commission's proposal.² It decided not to take a decision on part B, but amended and adopted part A, and forwarded to the Economic and Social Council a corresponding draft resolution.³

5. The Council considered this draft resolution at its sixteenth session⁴ and, on 3 August 1953, adopted the resolution referred to in paragraph 1 above.

² *Ibid.*, paras. 233 to 235.

³ *Ibid.*, annex V, draft resolution E.

⁴ See documents E/AC.7/SR.252 and E/AC.7/SR.255. See also *Official Records of the Economic and Social Council, Sixteenth Session, 746th meeting.*

¹ See *Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 8, para. 235.*

DOCUMENT A/C.6/L.300

Cuba, France, Haiti, Liberia, Panama and Uruguay : draft resolution

[Original text : Spanish]
[7 October 1953]

The General Assembly,

Considering its resolution 260 A (III) of 9 December 1948, by which it adopted the Convention on the Prevention and Punishment of the Crime of Genocide, and believing that the Convention represents a valuable contribution to the development of international law,

1. *Reiterates* its appeal to States to accelerate their

ratifications of or accessions to the Convention on the Prevention and Punishment of the Crime of Genocide ;

2. *Requests* the Secretary-General to undertake all necessary measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention.

DOCUMENT A/2507

Report of the Sixth Committee

[Original text : French]
[13 October 1953]

1. By its resolution 502 E (XVI) of 3 August 1953, the Economic and Social Council, after drawing the attention of the General Assembly to the resolution of the Commission on Human Rights relating to the Convention on Prevention and Punishment of the Crime of Genocide, requested the General Assembly

“(a) to reiterate its appeal to States to accelerate their ratifications or adherences to the Convention ;

“(b) to undertake all necessary measures designed to assure the widest possible diffusion of the nature, contents, and purposes of the Convention, and in particular make known the list of States having voted for, signed, ratified or adhered to the Convention.”

2. The Secretary-General's note of 2 September 1953 (A/2458) reproduced the text of the Economic and Social Council's resolution and described the developments which had led to its adoption.

3. At its 435th plenary meeting, held on 17 September 1953, the General Assembly decided to place the following item on the agenda of its eighth session: “Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention”, and to refer it to the Sixth Committee.

4. The Sixth Committee considered the item at its 368th meeting, held on 8 October 1953.

5. A draft resolution was submitted jointly by Cuba, France, Haiti, Liberia, Panama and Uruguay (A/C.6/L.300). According to the operative part of that draft resolution the General Assembly would “reiterate its appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide”, and would request the Secretary-General “to undertake all necessary measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention”.

6. During debate, several delegations emphasized the significance of the Convention in that it gave effect to the principle of the dignity and worth of the human person set forth in the preamble to the Charter by extending it to groups of human beings. In addition, the Convention had given legal form to what had previously been no more than an idea, and had introduced it into positive international law. Consequently, the delegations in question urged that the Convention should receive the widest possible publicity. Other delegations, while recognizing the importance of the Convention, pointed out that genocide should be distinguished from racial discrimination.

7. A few delegations said they would abstain, not because they opposed the Convention or the draft resolution, but because, owing to constitutional or technical reasons, their governments had not yet been able to take the necessary steps for their countries to become parties to the Convention.

8. The Secretary-General's representative supplied information regarding the present status of the Convention on the Prevention and Punishment of the Crime of Genocide, including particulars of the number of instruments of ratification and accession deposited with the Secretary-General. He also described the measures taken by the Secretary-General for the purpose of giving the Convention the widest possible publicity.

9. Under an oral amendment submitted by Yugoslavia the words “to undertake” in operative paragraph 2 of the joint draft resolution were to be replaced by “to continue to take”. The amendment was accepted by the sponsors of the joint resolution.

10. The draft resolution, as amended, was adopted by 44 votes to none, with 6 abstentions.

Recommendation of the Sixth Committee

11. Accordingly the Sixth Committee recommends the following draft resolution for adoption by the General Assembly :

APPEAL TO STATES TO ACCELERATE THEIR RATIFICATIONS OF, OR ACCESSIONS TO, THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, AND MEASURES DESIGNED TO ENSURE THE WIDEST POSSIBLE DIFFUSION OF THE NATURE, CONTENTS AND PURPOSES OF THE CONVENTION

The General Assembly,

Considering its resolution 260 A (III) of 9 December 1948, by which it adopted the Convention on the Prevention and Punishment of the Crime of Genocide, and

believing that the Convention represents a valuable contribution to the development of international law.

1. *Reiterates* its appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide ;

2. *Requests* the Secretary-General to continue to take all necessary measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 455th plenary meeting, on 3 November 1953, the General Assembly adopted the above draft resolution, submitted by the Sixth Committee. For the final text, see resolution 795 (VIII).

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A/2458	Note by the Secretary-General	1	
A/2507	Report of the Sixth Committee	2	
A/C.6/220	Netherlands: proposed text for article I of the draft Convention on Genocide (E/794)		Incorporated in the summary record of the 68th meeting of the Sixth Committee (<i>Official Records of the General Assembly, Third Session, Part I</i>).
A/C.6/L.300	Cuba, France, Haiti, Liberia, Panama and Uruguay: draft resolution	2	
A/RESOLUTION/125	Resolution adopted by the General Assembly at its 455th plenary meeting on 3 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 795 (VIII)</i> .

**GENERAL
ASSEMBLY**



Official Records

ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

Agenda item 68 : Narcotic drugs :

- (a) Assumption by organs of the United Nations of functions and responsibilities assigned to them under the terms of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953, and of the financial burdens resulting therefrom
- (b) Question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body

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(a) Assumption by organs of the United Nations of functions and responsibilities assigned to them under the terms of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953, and of the financial burdens resulting therefrom

DOCUMENT A/2516

Report of the Secretary-General

[Original text: English]
[19 October 1953]

1. The Economic and Social Council, in resolution 505 I (XVI) of 28 July 1953, recommended that the General Assembly should (a) approve the assumption of the functions and responsibilities assigned to organs of the United Nations by the Protocol which was adopted by the United Nations Opium Conference in 1953; and (b) include this Protocol among the multilateral treaties relating to the control of narcotic drugs to which General Assembly resolution 455 (V) on the assessment of signatory non-member States applied.

2. As will be seen from the terms of the Protocol and the Final Act,¹ additional responsibilities are assigned as follows:

<i>Organ or Authority</i>	<i>Articles of the Protocol</i>
Economic and Social Council	12, 16, 18, 22
Commission on Narcotic Drugs Permanent Central Opium Board and Supervisory Body Secretary-General	10, 22 4, 5, 7, 8, 9, 11, 12, 13, 19 4, 10, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26
President of the International Court of Justice	12
Appeals Committee consisting of three members to be appointed by the President of the Inter- national Court of Justice, failing whom, by the Secretary- General	12
International Court of Justice	15

3. As regards the responsibilities assigned to the Secretary-General, which relate mainly to the reception and distribution of reports, depository functions, and duties in connexion with the transitional provisions contained in the Protocol, these are of a similar character to those already carried out in respect of the various narcotics conventions already in force. The Secretary-General anticipates that these responsibilities, as well as those assigned to the Economic and Social Council and to the Commission on Narcotic Drugs, can be assumed without additional budgetary provisions, with the possible exception of the costs of reproduction of annual reports which cannot now be estimated.

4. The responsibilities, which relate mainly to statistics, estimates, determination of permissible maximum stocks, enforcement measures and transitional provisions, assigned to the Permanent Central Opium Board and to the Drug Supervisory Body, together with their financial implications, will be examined by those bodies at future sessions. The Secretary-General will communicate the results of this examination to the General Assembly when they are received. Any budgetary proposals resulting therefrom would be submitted to the Assembly in the normal way.

5. The President of the International Court of Justice has informed the Secretary-General that he is willing to undertake the responsibility of appointing the members of the Appeals Committee provided for in article 12, which calls for the appointment of three members and two alternates for terms of five years.

6. Under the provisions in article 1, 2, 3 (b) (ii) the persons serving as members "shall, in accordance with arrangements made by the Secretary-General, receive remuneration only for the duration of the sittings of the Appeals Committee". It is not expected that the Appeals Committee will meet until there is a likelihood of actual cases arising. If the Appeals Committee were to convene, the Secretary-General would consult the Advisory Committee on Administrative and Budgetary Questions with a view to providing the necessary funds under the General Assembly resolution on unforeseen and extraordinary expenses. It is not foreseen that the referral of disputed cases to the International Court of Justice under article 15 would require additional budget credits.

7. Under article 21, at least twenty-five States must ratify the Protocol before it comes into force, including at least three of seven specified (producing-exporting) States and three of nine specified (manufacturing) States. As of 29 September 1953, twenty-one States have signed the Protocol; there have been no ratifications and no State is therefore yet a party.

8. For the convenience of the General Assembly in acting upon the Council's recommendation, the Secretary-General submits for consideration the following draft resolution:

"The General Assembly,

"Having regard to resolution 505 I (XVI) adopted by the Economic and Social Council on 28 July 1953,

"Decides:

"1. To approve the assumption by organs of the United Nations of the functions and responsibilities assigned to them by the Protocol, adopted by the United Nations Opium Conference (1953), for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of, Opium;

"2. To include this Protocol among the multilateral treaties relating to the control of narcotic drugs for the purpose of assessing, in accordance with General Assembly resolution 455 (V) of 16 November 1950, non-member States which are Parties to such treaties for their fair share of the expenses borne by the United Nations in connexion with the international control of narcotic drugs."

9. It is to be noted that the term "organs of the United Nations" would for the purpose of this resolution include the Permanent Central Opium Board and the Drug Supervisory Body.

¹ Document E/NT/8 (United Nations Publications, Sales No. 1953. XI. 6).

DOCUMENT A/2529

Eleventh report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[26 October 1953]

1. As requested by the Fifth Committee at its 378th meeting, the Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/2516) on the financial implications of Economic and Social Council resolution 505 I (XVI) of 28 July 1953, in which the Council made the following recommendations to the General Assembly:

(a) To approve the assumption of the functions and responsibilities assigned to organs of the United Nations by the Protocol adopted in 1953 by the United Nations Opium Conference; and

(b) To include this Protocol among the multilateral treaties relating to the control of narcotic drugs to which General Assembly resolution 455 (V) on the assessment of signatory non-member States applied.

2. The Secretary-General indicated in his report that many of the responsibilities assigned to organs of the United Nations or otherwise arising under the Protocol could be assumed without additional budgetary provision. The Advisory Committee therefore limits its observations to those items which may lead to expenditure beyond the existing provision when the Protocol comes into force:

(a) *Reproduction of annual reports*: The Parties are required under paragraph 1 (c) of article 10 to furnish to the Secretary-General an annual report on the working of the Protocol. It is, however, further provided in the same paragraph that this report may be included in or annexed to the reports that are already made annually in accordance with article 21 of the Convention of 13 July 1931. Presumably, therefore, the cost of this additional requirement will be slight. Under article 9, paragraph 4, certain statistics will be published at intervals, and under article 11, paragraph 4, and article 12, paragraph 4, decisions of the Board may, but will not necessarily, also be published.

(b) *Responsibilities assigned to the Permanent Central Opium Board and the Drug Supervisory Body*: The Secretary-General states that these responsibilities and

their financial implications are to be examined by the Board and the Supervisory Body at future sessions. The Advisory Committee is not therefore in a position to submit in the present report such information as would enable the Fifth Committee to take the action required under rule 152 of the rules of procedure of the General Assembly, namely, to state the effect of the proposal upon the budget estimates of the United Nations. The Advisory Committee has, however, received testimony from the President of the Permanent Central Opium Board which, though not authoritative (in that the matter has not yet been considered by the Board), indicates that the additional responsibilities are not unduly heavy, but may call for some addition to the staff of the Board when the Protocol comes into force. It is the opinion of the Advisory Committee that while action under the Protocol need not be delayed pending the submission of the relevant supplementary estimates, any additional costs arising thereunder in the meantime should be absorbed within the appropriations relating to the work of the Permanent Central Opium Board that are administered as a single unit, namely, section 3a, section 20, chapter III, and section 25, chapter V, of the budget estimates.

(c) *Sittings of the Appeals Committee*: The Advisory Committee concurs in the proposal of the Secretary-General that funds required for a meeting of the Appeals Committee (article 12 of the Protocol) should be withdrawn from the Working Capital Fund, with the concurrence of the Advisory Committee, as an unforeseen or extraordinary commitment.

3. No provision is included in the Protocol for an award of costs against an appellant State in cases where the Appeals Committee affirms the decision of the Board. The advisability of including such a provision should, in the opinion of the Advisory Committee, be considered in future whenever the establishment of machinery for hearing appeals is contemplated in a protocol or other similar instrument.

DOCUMENT A/2570

Report of the Fifth Committee

[Original text: English]
[23 November 1953]

1. The Economic and Social Council, in resolution 505 I (XVI) of 28 July 1953, recommended that the General Assembly should (a) approve the assumption of the functions and responsibilities assigned to organs of the United Nations by the Protocol which was adopted by the United Nations Opium Conference in 1953; and (b) include the Protocol among the multilateral treaties relating to the control of narcotic drugs to which General Assembly resolution 455 (V) on the assessment of signatory non-member States applied.

2. In accordance with the allocation of agenda items approved by the General Assembly at its 435th plenary meeting on 17 September 1953, the Council's recommendation was considered by the Fifth Committee at its 403rd meeting on 6 November 1953. As a basis for its

discussion, the Committee had before it a report by the Secretary-General (A/2516), together with the eleventh report of the Advisory Committee on Administrative and Budgetary Questions to the General Assembly at its eighth session (A/2529).

3. It was noted that the President of the International Court of Justice had informed the Secretary-General that he was willing to undertake the responsibility of appointing the members of the Appeals Committee provided for under article 12 of the Protocol. Special attention was called, in this connexion, to the observation of the Advisory Committee that no provision was included in the Protocol for an award of costs against an appellant State in cases where the Appeals Committee affirmed the decision of the Board, and that the advisability of includ-

ing such a provision should be considered in future whenever the establishment of machinery for hearing appeals was contemplated in a protocol or other similar instrument.

4. With regard to the financial obligations which would result from the assumption by organs of the United Nations of the functions and responsibilities assigned to them under the terms of the Protocol, the Committee was informed, in the reports of the Secretary-General and of the Advisory Committee, that the position would be as follows:

(a) Responsibilities assigned to the Secretary-General as well as to the Economic and Social Council and the Commission on Narcotic Drugs, since they were of a similar character to those being carried out in respect of the various narcotic conventions already in force, could be assumed without additional budgetary provision, with the possible exception of the costs of reproduction of annual reports. It was the opinion of the Advisory Committee, however, that any such additional requirement was likely to be slight.

(b) The financial implications of the additional responsibilities assigned to the Permanent Central Opium Board and the Drug Supervisory Body were to be examined by the Board and the Supervisory Body at future sessions. The indications were, however, that those additional responsibilities would not be unduly heavy, though they might call for some addition to the staff of the Board when the Protocol came into force. The Advisory Committee was therefore of the opinion that action under the Protocol need not be delayed pending the submission of the relevant supplementary estimates and that any additional costs arising thereunder should, in the meantime, be absorbed within the appropriations relating to the work of the Permanent Central Opium Board that were administered as a single unit, namely, section 3a, section 20, chapter III, and section 25, chapter V, of the budget estimates.

(c) While it was not expected that the Appeals Committee would meet until there was a likelihood of actual cases arising, any funds required for such a purpose should be withdrawn from the Working Capital Fund, with the concurrence of the Advisory Committee, as an unforeseen or extraordinary commitment.

5. There being no objection, the Committee agreed to inform the General Assembly that approval of the Economic and Social Council's recommendation would involve financial obligations as indicated above.

Recommendation of the Fifth Committee

6. In the absence of further comment, and in the light of its examination of the financial implications involved, the Fifth Committee therefore decided, by 27 votes to none, with 6 abstentions, to recommend to the General Assembly the adoption of the following draft resolution:

ASSUMPTION BY ORGANS OF THE UNITED NATIONS OF FUNCTIONS AND RESPONSIBILITIES ASSIGNED TO THEM UNDER THE TERMS OF THE PROTOCOL FOR LIMITING AND REGULATING THE CULTIVATION OF THE POPPY PLANT, THE PRODUCTION OF, INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM, 1953, AND OF THE FINANCIAL BURDENS RESULTING THEREFROM

The General Assembly,

Having regard to resolution 505 I (XVI) adopted by the Economic and Social Council on 28 July 1953,

Decides:

1. To approve the assumption by organs of the United Nations of the functions and responsibilities assigned to them by the Protocol, adopted by the United Nations Opium Conference (1953), for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium;²

2. To include this Protocol among the multilateral treaties relating to the control of narcotic drugs for the purpose of assessing, in accordance with General Assembly resolution 455 (V) of 15 November 1950, non-member States which are Parties to such treaties for their fair share of the expenses borne by the United Nations in connexion with the international control of narcotic drugs.

² Document E/NT/8 (United Nations Publications, Sales No. 1953.XI.6).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 774 (VIII).

(b) Question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body

DOCUMENT A/2509

Report of the Secretary-General

[Original text: English]
[14 October 1953]

1. The Economic and Social Council, on 28 July 1953, adopted resolution 505 F III (XVI), which reads:

"The Economic and Social Council,

"Having considered paragraph 2 of section IX of the report of the Permanent Central Opium Board for 1952 regarding the question of the remuneration of members of the Board and the Supervisory Body,

"Recognizing both the importance and the increasing amount of the work devolving upon these bodies in pursuance of the functions assigned to them under the conventions relating to narcotic drugs,

"1. Supports the conclusions of the Board that the present position is unsatisfactory, that the time has come when the whole question of the remuneration of the members of these bodies should be further reviewed, and that a positive solution for the problem must be found;

"2. Recommends to the Assembly that the matter be given favourable consideration with a view to appropriate budgetary provisions being made."

2. The following statement provides a résumé of the considerations which led to the Council's action. It also summarizes the conclusions previously reached by the General Assembly when dealing with the general principles which should apply to organs of the United Nations in the matter of payments to members of commissions and committees.

3. In section IX of its report of 1952 to the Economic and Social Council (E/OB/8), the Permanent Central Opium Board referred to its constitution in the following terms:

"Having been created by an international convention (the Convention of 19 February 1925 on Narcotic Drugs), the Board derives its authority from the same kind of independent source as the United Nations itself and certain of its specialized agencies. Clearly, therefore, it occupies a special position and cannot be regarded in any way as a commission created by the United Nations. The financing and administrative means necessary for the performance of the Board's duties were first provided for by the League of Nations, and this responsibility was later assumed by the United Nations in virtue of a Protocol signed in New York on 11 December 1946, during the first General Assembly of the United Nations, and which came into force on 3 February 1948."

4. Under article 19 of the Convention of 1925 amended by the Protocol of 1946, the Permanent Central Opium Board consists of eight persons appointed by the Economic and Social Council and who, "by their technical competence, impartiality and disinterestedness, will command general confidence". Article 19 further determines that "the members of the Central Board shall not hold any office which puts them in a position of direct dependence on their governments". This latter provision does not apply to any other United Nations body.

5. In its report to the Council, the Board noted that the principle of granting the members of the Board an allowance representing the value of their services and providing some compensation for the material sacrifices

entailed by their work on the Board had long been recognized, and it cites the recommendations of several competent organs reaffirming the principle of adequate remuneration for its members. The report of the Board further states:

"These repeated declarations of principle have had no practical effect. For five years, the Permanent Central Opium Board has refrained from taking any action about this problem and each member has continued to perform his duties regularly regardless of whether it was solved or not. But the impending expiry of their term of office gives the present members an opportunity to state what they have found from experience.

"In the case of both the Board and the Supervisory Body, the volume of work has grown steadily from year to year, extending, particularly in the Supervisory Body, beyond the bounds of the regular sessions, which these two bodies have been led by a proper concern for economy to keep within narrow limits. Consulted by correspondence and asked to make what often prove to be lengthy and difficult studies, the members have had to devote an increasing proportion of their time to tasks of ever-growing complexity. The Presidents and Vice-Presidents of these bodies are entrusted with organizational and representational functions which have often proved a heavy burden.

"If the present state of affairs were to continue, the future of these bodies might well be seriously jeopardized, particularly if the best qualified members were prevented from accepting the more important duties as involving more time than they could afford to give without remuneration. It might then prove extremely difficult to find persons to fill the offices of President and Vice-President.

"The members of the Board and the Supervisory Body therefore consider that a positive solution must be found for the problem. Within the limits that would probably be set, the remuneration would not affect the disinterested character of the functions performed by the members of these bodies, but it would at any rate remove the injustice under which, having regard to the remuneration given in the United Nations to similar bodies, the Permanent Central Opium Board and the Drug Supervisory Body are still suffering."

6. The Council limited its discussion to the principles raised by the Board's report, recognizing that the application of those principles to individual cases as well as the amount of payment involved for the specific purpose (subsistence allowance or remuneration or both) and methods of payment were questions for the General Assembly to decide, based on the recommendations it received from the Fifth Committee. The particular arguments however expressed in the Board's report were given substantial support in the Council's discussion. The Council came to the conclusion that it should not limit its action to inviting the attention of the General Assembly to the Board's observations but that it should go further and take a position upon them. It was with this express intention that the Council approved its resolution, quoted in paragraph 1 above, by 16 votes to none, with 2 abstentions.

7. On the basis of reports by the Advisory Committee (first and second reports to the General Assembly at its third session, in 1948)³ the General Assembly at its third and fifth sessions discussed the practice which had been developed in the United Nations and reviewed the principles covering payments to members of commissions, committees and other subsidiary bodies of the General Assembly or other organs of the United Nations. As a result of these discussions, the General Assembly confirmed that payment of transportation expenses should continue to be authorized in respect of particular bodies and, additionally, payment of a daily subsistence allowance should continue in respect of other expert bodies as recommended by the Advisory Committee. That the daily payments were to be considered as representing subsistence and not a fee for services was implicit in the discussions upon which General Assembly resolution 231 (III) of 8 October 1948 was based, and this intention was reaffirmed in General Assembly resolution 459 (V) adopted on 1 December 1950.

8. Members of commissions and committees eligible to receive the subsistence allowance under General Assembly resolution 231 (III) had been paid \$20 a day for the duration of the sessions of meetings irrespective of the location of the meeting. Resolution 459 (V) raised the daily rate to \$25 for meetings at Headquarters but retained the \$20 rate for meetings elsewhere. Thus, the *per diem* allowance of the eight members of the Permanent Central Opium Board and the four members of the Drug Supervisory Body, covering the period when those two bodies are in session, has been \$20, since the meetings of these bodies have taken place in Geneva. (Prior to the creation of the United Nations, members of the Board received a subsistence allowance of 70 gold francs per day.)

9. It should be noted that the decision of the General Assembly expressed in resolution 231 (III) was based upon the recommendations included in the first report of 1948 of the Advisory Committee. At its sixth session, the Economic and Social Council adopted resolution 123 D (VI), recommending that the Advisory Committee should examine the question of the remuneration of members of the Permanent Central Opium Board and Drug Supervisory Body and submit recommendations to the General Assembly. The conclusion of the Advisory Committee in this matter was noted in its second report to the General Assembly at its third session, where it was stated that in the opinion of the Committee there existed no reason for deviating from the principle laid down in its first report to the General Assembly at its third session, that allowances paid to members of commissions or com-

mittees represented subsistence and not a fee for services. This conclusion of the Advisory Committee was endorsed by the General Assembly when the 1949 budget estimates for section 3a were approved at the amount recommended by the Committee covering subsistence payments of \$20 a day for meetings in Geneva.

10. The increase in subsistence from \$20 to \$25 for meetings at Headquarters was proposed by the Advisory Committee in its second report of 1950.⁴ During the discussion of this proposal in the Fifth Committee, it was generally accepted that its adoption would require payments to members of any body of experts who were then eligible for allowances on a differing basis to be brought within the common system.

11. While, as a consequence, action was taken at the fifth session of the General Assembly to reduce the total daily allowance of \$30 which members of the Administrative Tribunal had been receiving, a special daily allowance of \$35 for members of the International Law Commission was authorized by the Assembly in resolution 485 (V) of 12 December 1950. In addition, the Chairman and five rapporteurs of the International Law Commission continued to receive honoraria in the amount of \$1,500 each for work undertaken by them between sessions of the Commission.

12. On the particular question of payment of honoraria, attention is drawn to paragraph 57 of the first report of the Advisory Committee to the General Assembly at its eighth session,⁵ in which the Committee, while not making a firm recommendation, suggested that the General Assembly might deem it opportune to review the system, in force since 1950, of paying annual honoraria to the Chairman and five rapporteurs of the International Law Commission, bearing in mind two considerations: first, that the decision to pay such honoraria was taken in 1949 on a particular case and without prejudice to any future solution of the question of emoluments for rapporteurs of the International Law Commission or any other body; and secondly, that the General Assembly in 1952 clearly recorded its opinion on the payment of honoraria to rapporteurs of United Nations bodies by adopting resolution 677 (VII) of 21 December 1952.

13. The Secretary-General suggests that the Fifth Committee may wish to review the question raised in Economic and Social Council resolution 505 F (XVI) and included as item 68 (b) of the General Assembly's agenda, prior to its review of section 3a of the 1954 budget estimates, so that the decisions reached may be taken into consideration when the budget estimates for that section are dealt with.

³ See *Official Records of the General Assembly, Third Session, Supplements Nos. 7 and 7 A.*

⁴ *Ibid.*, Fifth Session, Supplement No. 7.

⁵ *Ibid.*, Eighth Session, Supplement No. 7.

DOCUMENT A/2528

Tenth report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]

[26 October 1953]

1. As requested by the Fifth Committee at its 375th meeting, the Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General on the question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body (A/2509).

2. This item on the agenda of the eighth session of the General Assembly arises out of a resolution of the

Economic and Social Council (resolution 505 F III (XVI) of 28 July 1953), in which the Council recommended to the Assembly that favourable consideration should be given to the question of the remuneration of members of the Board and the Supervisory Body.

3. The considerations that led the Board and the Supervisory Body to submit this matter to the Economic and Social Council are stated in the latest report of the Board

to the Council. (E/OB/8, section IX, para. 2) and may be summarized as follows:

(a) The members of the Board are precluded from holding any office placing them in a position of direct dependence on their governments;

(b) The principle of granting the members of the Board an allowance representing the value of their services and providing some compensation for the material sacrifices involved in their work on the Board has long been recognized;

(c) There has been a steady growth in the volume of work of the Board and the Supervisory Body. This work extends (particularly in the case of the Supervisory Body) beyond the regular sessions, the members being consulted by correspondence between sessions and called upon for what often prove lengthy and difficult studies;

(d) The Presidents and Vice-Presidents of the two bodies perform functions of organization and representation that have often laid upon them a heavy burden;

(e) A continuation of the present state of affairs might seriously jeopardize the future of these bodies; the members best qualified might be prevented from accept-

ing the more important duties, such as the offices of President and Vice-President;

(f) The Board and the Supervisory Body are suffering an injustice in view of the remuneration given in the United Nations to similar bodies.

4. The Advisory Committee is informed that the Secretary-General, while recognizing the problem to which the present rate of allowance gives rise in the case of these two bodies, does not feel that proposals can at present usefully be submitted, in view of the complexity of this matter, which may affect the general system of subsistence allowances for members of commissions and committees of the United Nations, and in view also of the financial consequences which an isolated decision in a specific case might produce. The Committee understands, however, that it is the intention of the Secretary-General to undertake, during 1954, a full study of the question and of its relation to other United Nations bodies, and to submit proposals to the General Assembly at its ninth session.

5. The Advisory Committee is in agreement with such a procedure, which it accordingly recommends for acceptance to the General Assembly.

DOCUMENT A/2571 and Corr.1

Report of the Fifth Committee

[Original text: English]
[23 November 1953]

1. The Economic and Social Council, on 28 July 1953, adopted resolution 505 F III (XVI), supporting the conclusions of the Permanent Central Opium Board that the present position with respect to the remuneration of members of the Board and of the Drug Supervisory Body was unsatisfactory and that the time had come when the whole question should be further reviewed, and recommending to the General Assembly that the matter should be given favourable consideration with a view to appropriate budgetary provision being made.

2. The General Assembly having allocated this item of its agenda to the Fifth Committee for consideration and report, the question was discussed at the Committee's 403rd meeting on 6 November 1953, on the basis of a report submitted by the Secretary-General (A/2509) and of observations thereon presented by the Advisory Committee on Administrative and Budgetary Questions in its tenth report to the General Assembly at its eighth session (A/2528).

3. The Committee's attention was drawn, in the reports before it, to the specific considerations which had led the Permanent Central Opium Board and the Drug Supervisory Body to submit their observations to the Economic and Social Council, as well as to the fact that the Council had come to the conclusion that it should not limit its action to inviting the Assembly's attention to those observations, but that it should go further and take a position upon them. The report of the Secretary-General reviewed also the practice and principles which had been developed relative to payments to members of commissions, committees and other subsidiary bodies of the General Assembly or other organs of the United Nations; it referred in particular to the principle, implicit in the discussions upon which General Assembly resolution 231 (III) of 8 October 1948 was based, as reaffirmed in resolution 459 (V) of 1 December 1950, that the daily payments authorized were to be considered as representing subsistence and not a fee for services.

4. The Fifth Committee was informed that the Secretary-General, while recognizing the problem to which the present rate of allowance gave rise in the case of the Permanent Central Opium Board and Drug Supervisory Body, did not feel that proposals could at present usefully be submitted, in view of the complexity of the matter, which might affect the general system of subsistence allowances for members of commissions and committees of the United Nations, and in view also of the financial consequences which an isolated decision in a specific case might produce. It was therefore proposed by the Secretary-General that he should undertake, during 1954, a full study of the question and of its relation to other United Nations bodies and that he should submit proposals to the General Assembly at its ninth session. The Committee was further informed that the Advisory Committee was in agreement with such a procedure which it accordingly recommended to the General Assembly for its acceptance.

5. The view was expressed in the Fifth Committee that, in any review of existing allowances, account should be taken of the special position of members of United Nations bodies serving in an expert capacity who are not officials of their governments and who are obliged to devote much of their time to such service.

Recommendation of the Fifth Committee

6. There being no objection, the Committee decided to recommend to the General Assembly the adoption of the following draft resolution, on the understanding that that did not commit delegations as regards certain of the comments contained in the two reports before the Committee:

⁶ In the provisional form of this document this phrase read: "... on the understanding that delegations might reserve their views on". The text was amended at the 412th meeting of the Fifth Committee.

SYSTEM OF ALLOWANCES TO MEMBERS OF COMMISSIONS, COMMITTEES AND OTHER SUBSIDIARY BODIES OF THE GENERAL ASSEMBLY OR OTHER ORGANS OF THE UNITED NATIONS

The General Assembly,

Noting resolution 505 F III (XVI) adopted by the Economic and Social Council on 28 July 1953, concerning the question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body,

Noting also the intention of the Secretary-General to

undertake, during 1954, a comprehensive study of the system of allowances to members of commissions, committees and other subsidiary bodies of the General Assembly or other organs of the United Nations, and to submit proposals to the General Assembly at its ninth session,

Requests the Secretary-General to circulate his proposals, together with the comments of the Advisory Committee on Administrative and Budgetary Questions, to all Members four weeks before the opening of the ninth session of the General Assembly.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the above draft resolution submitted by the Fifth Committee. For the final text see resolution 775 (VIII).

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A/2516	Report of the Secretary-General	2	
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A/RESOLUTION/143	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 774 (VIII)</i>
(b) Question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body			
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A/2571 and Corr.1	Report of the Fifth Committee	7	
A/RESOLUTION/144	Resolution adopted by the General Assembly at its 458th plenary meeting on 27 November 1953		<i>Ibid.</i> , resolution 775 (VIII)



Agenda item 69: Evidence of existence of forced labour

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DOCUMENT A/2588

Report of the Third Committee

[Original text: English]
[1 December 1953]

1. The General Assembly, at its 435th meeting on 17 September 1953, decided to include in the agenda of its eighth session the item "Evidence of existence of forced labour" and to refer it to the Third Committee for consideration and report.

2. The Committee considered the item at its 529th to 536th meetings, held on 20, 23, 24, 25 and 27 November 1953. It had before it an explanatory memorandum submitted by the United States delegation with reference to its request for the inclusion of the item in the agenda (A/2438 and Corr.1), together with chapter V, section VIII, of the report of the Economic and Social Council (A/2430).

3. Although the report of the *Ad Hoc* Committee on Forced Labour (E/2431) was not formally before the Committee, the discussion was largely concerned with that document. The discussion was marked by clear differences of view. Some delegations endorsed the findings and conclusions of the *Ad Hoc* Committee, published in its report, as evidence of the existence of systems of forced labour employed as a means of political coercion or for economic purposes in a number of countries. They emphasized the importance which they attached to the abolition of such systems. Other delegations questioned the *Ad Hoc* Committee's impartiality and methods of work, rejected its findings and conclusions concerning certain countries and charged that it had disregarded the existence of forced labour in other countries. Several delegations expressed the view that the *Ad Hoc* Committee's inquiry had been unduly restricted in its scope. Certain representatives felt that the question should be considered from a purely humanitarian point of view and that all States should be called upon to abolish forced labour in any form or guise by taking all necessary measures, including legislative measures. The right of reply was exercised by a number of delegations with reference to various statements and allegations made during the course of the general debate.

4. Australia, Brazil, Chile, Costa Rica, Cuba, Greece, Pakistan, the United Kingdom and the United States of America submitted a draft resolution (A/C.3/L.395). Most representatives expressed support of the joint draft resolution. Some opposed it on the basis of their objections to the report of the *Ad Hoc* Committee on Forced Labour. Others argued that the procedural provisions of the draft resolution were redundant since the Economic and Social Council and the Governing Body of the International Labour Office had already placed the report on the agenda of their forthcoming sessions.

5. At the request of the representative of Iraq a separate vote was taken on each paragraph of the joint draft resolution as well as on the words "on such a scale as" in the operative paragraph 1. The voting was as follows:

Preamble

The first paragraph of the preamble was adopted by 44 votes to none, with 6 abstentions.

The second paragraph was adopted by 36 votes to 5, with 9 abstentions.

The third paragraph was adopted by 42 votes to 5, with 3 abstentions.

The fourth paragraph was adopted by 36 votes to 5, with 9 abstentions.

The fifth paragraph was adopted by 36 votes to 5, with 9 abstentions.

Operative part

The words "on such a scale as" in paragraph 1 of the operative part were adopted by 35 votes to 8, with 8 abstentions.

Paragraph 2 was adopted by 36 votes to 5, with 10 abstentions.

Paragraph 3 was adopted by 37 votes to 5, with 9 abstentions.

Paragraph 4 was adopted by 35 votes to 5, with 10 abstentions.

6. The draft resolution as a whole was adopted by a roll-call vote of 36 to 5, with 10 abstentions. The voting was as follows:

In favour: Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, France, Greece, Honduras, Iceland, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Philippines, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Argentina, Burma, India, Indonesia, Iran, Iraq, Saudi Arabia, Union of South Africa, Yemen.

Recommendation of the Third Committee

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

EVIDENCE OF EXISTENCE OF FORCED LABOUR

The General Assembly,

Recalling the determination of the people of the United Nations under the Charter to reaffirm faith in fundamental human rights and in the dignity and worth of the human person,

Regretting that the Economic and Social Council at its sixteenth session was unable to consider the conclusions contained in the report of the *Ad Hoc* Committee on Forced Labour (E/2431),

Considering that systems of forced labour constitute a serious threat to fundamental human rights and jeopardize

the freedom and status of workers in contravention of the obligations and provisions of the Charter of the United Nations,

Observing that the report of the *Ad Hoc* Committee on Forced Labour has now been placed on the agenda of the seventeenth session of the Economic and Social Council and of the 123rd session of the Governing Body of the International Labour Office,

Considering that in view of this delay there is still time for certain governments which have not yet done so to provide information in response to the *Ad Hoc* Committee's request for comments and observations on the allegations concerning them,

1. *Affirms* the importance which it attaches to the abolition of all systems of forced or "corrective" labour, whether employed as a means of political coercion or punishment for holding or expressing political views or on such a scale as to constitute an important element in the economy of a country;

2. *Invites* the Economic and Social Council and the International Labour Organisation, as a matter of urgency, to give early consideration to the report of the *Ad Hoc* Committee on Forced Labour at their next sessions with this aim in view;

3. *Requests* the Secretary-General to consult with governments which have not yet found it possible to provide information in response to the *Ad Hoc* Committee's request to the effect that they submit such information before the seventeenth session of the Economic and Social Council so that these replies may be brought to the attention of the Council;

4. *Requests* the Economic and Social Council to report on forced labour to the General Assembly at its ninth session.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 468th plenary meeting, on 7 December 1953, the General Assembly adopted the draft resolution submitted by the Third Committee (see above). For the final text see resolution 740 (VIII).

CHECK LIST OF DOCUMENTS

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A/2430	Report of the Economic and Social Council covering the period from 2 August 1952 to 5 August 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 3
A/2438 and Corr.1	Letter dated 14 August 1953 from the permanent representative of the United States of America to the United Nations, addressed to the Secretary-General		Mimeographed document only
A/2588	Report of the Third Committee	1	
A/C.3/L.395	Australia, Brazil, Chile, Costa Rica, Cuba, Greece, Pakistan, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution		For the text see A/2504 para. 7
A/RESOLUTION/166	Resolution adopted by the General Assembly at its 468th plenary meeting on 7 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 740 (VIII)
E/2431	Report of the <i>Ad Hoc</i> Committee on Forced Labour		Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 13
T/1056	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on New Guinea		Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 4

GENERAL ASSEMBLY

Official Records



ANNEXES

EIGHTH SESSION

HEADQUARTERS, NEW YORK, 1953

- Agenda item 58: Publication of documents concerning the drafting and application of the Charter**
Agenda item 70: Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter
Agenda item 72: Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States

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Publication of documents concerning the drafting and application of the Charter

DOCUMENT A/2415

Argentina: proposal for the inclusion of an item in the provisional agenda of the eighth session

[Original text: Spanish]
[15 July 1953]

New York, 13 July 1953

I have the honour to inform the Secretary-General that I have received instructions from my Government to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly:

“Publication of documents concerning the drafting and application of the Charter.”

In pursuance of rules 12 and 13 of the rules of procedure of the General Assembly (A/520/Rev.2), I therefore request the Secretary-General to include the above item in the agenda of the next session of the General Assembly.

The explanatory memorandum required under rule 20 of the rules of procedure is attached.

(Signed) Enrique FERRER VIEYRA,
Acting Chargé d'Affaires.

EXPLANATORY MEMORANDUM

1. In proposing the inclusion in the agenda of the eighth session of the General Assembly of the item “Publication of documents concerning the drafting and application of the Charter”, the Government of Argentina has been guided by the basic principle that all work done by the United Nations must conform to the provisions contained in the Charter.

2. In that connexion, some provisions of the Charter have sometimes given rise to varying interpretations, which has made it necessary to refer to the preparatory work. It is likewise very important to know the interpretation given and practice followed by the various organs of the United Nations in applying the provisions in question. In that connexion various difficulties are often encountered, the main ones being as follows:

(a) Part of the official documents of the San Francisco Conference are not in practice available for consultation—for instance, the summary records of the Co-ordination Committee. Without reference to those documents it is impossible to acquire a complete knowledge of the process of the drafting of the Charter. Moreover, as far as the Argentine delegation is aware, there are only two sets of the documents in question in the possession of the United Nations, one in the archives and the other in the Library. It is easy therefore to understand the difficulties encountered in consulting them.

(b) Experience has shown that it is often difficult to trace the history of certain articles through the various stages of their drafting by the different sub-committees and committees of the Conference. The documentation is so voluminous that it would take a very long time to do so without a complete index covering all the committees and sub-committees. The compilation of a subject index would be very helpful to governments and delegations.

(c) Even when all the San Francisco documents on a certain subject are to hand, it is a very lengthy task to trace the history of the drafting of the passage concerned, and a legislative history of the Charter, based exclusively on the official documents and written objectively and without comment, would therefore be of the greatest value to governments.

(d) In the seven years that the United Nations has been in existence, a number of its organs have acquired extensive experience in applying the provisions of the Charter and in so doing have created precedents. In view of the multiplicity of the documents, it is difficult to obtain an adequate knowledge of the practice thus established. A repertory of the practice of United Nations organs on selected subjects, based exclusively on official documents and written objectively and without comment, would be most useful.

3. In order to eliminate the difficulties indicated above, the Argentine Government proposes that the Secretary-General be given the necessary means to prepare and publish: (a) a systematic compilation of the documents of the San Francisco Conference not yet published; (b) a complete index of all the documents of the San Francisco Conference; (c) a systematic and comprehensive study of the legislative history of the Charter; and (d) a repertory of the practice followed by the main organs of the United Nations on given subjects.

4. The Argentine delegation hopes that the General Committee of the Assembly will consider favourably its Government's proposal for the inclusion of the item in the agenda of the eighth session of the General Assembly.

5. The Argentine delegation likewise hopes that all the delegations to the General Assembly, which no doubt have had similar difficulties in studying the provisions of the Charter, will support the proposal for the publications requested, believing that that will facilitate a better knowledge of the Charter.

DOCUMENT A/2415/Add.1**Argentina : draft resolution**

[Original text : Spanish]
[15 September 1953]

The General Assembly,

Considering that one of the best methods of acquiring knowledge of the Charter is to study its legislative history and the practice followed by the various organs of the United Nations in applying it,

Considering that the study of the legislative history of the Charter and of the practice followed in applying it can be carried out by the United Nations Secretariat on the basis of the official documents,

Requests the Secretary-General to arrange to publish, before the end of 1954 :

1. A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

2. A complete index of all the documents of that Conference ;

3. A systematic and comprehensive study of the legislative history of the Charter ;

4. A repertory of various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise.

**Preparatory work with regard to the possible holding of a General Conference
of the Members of the United Nations in accordance with
Article 109 of the Charter**

DOCUMENT A/2442

Netherlands : request for the inclusion of an additional item in the agenda of the eighth session

[Original text : English]
[18 August 1953]

New York, 16 August 1953

I have the honour, upon instructions received from my Government, to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly, in accordance with rule 14 of the rules of procedure of the General Assembly :

"Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter".

An explanatory memorandum as required under rule 20 of the rules of procedure is attached.

(Signed) D. J. VON BALLUSECK

EXPLANATORY MEMORANDUM

1. In proposing the inclusion in the agenda of the eighth session of the General Assembly of the item mentioned in the above letter, the Netherlands Government has in mind the provisions of Article 109 of the Charter of the United Nations.

2. Under paragraph 3 of Article 109 a proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter shall be placed on the agenda of the tenth annual session of the General Assembly, if such a conference has not been held before that session.

3. In the view of the Netherlands Government the examination by the tenth annual session of the question of a General Conference could be facilitated by pre-

paratory work to be undertaken by the Secretary-General and by individual Member States.

4. This preparatory work could in the first place consist of a compilation or repertory of the jurisprudence of the United Nations. The preparation and publication of such documentation should be entrusted to the Secretary-General. For this purpose funds should be made available if necessary.

5. The Netherlands Government believes that the study envisaged in paragraph 3 (d) of the explanatory memorandum to the new item proposed by the Government of Argentina (A/2415) could at the same time cover the preparatory work mentioned in paragraph 4 of the Netherlands memorandum, if it were undertaken with due regard to Article 109 of the Charter.

6. Furthermore, the new item proposed by the Netherlands Government envisages the possibility of an invitation to Member States to give their preliminary views with regard to the possible revision of the Charter and to submit tentative proposals and suggestions.

7. The item submitted by the Netherlands Government could therefore lead to :

(a) The preparation by the Secretary-General of the study envisaged in paragraph 3 of the explanatory memorandum to the item proposed by the Government of Argentina (A/2415), with due regard to Article 109 of the Charter ;

(b) An invitation to Member States to submit, prior to the tenth annual session, their preliminary views with regard to the possible revision of the Charter and tentative proposals and suggestions.

**Amendment of the Charter : election of a technical committee
to study and report on the amendment of the Charter on the basis
of proposals to be submitted by Member States**

DOCUMENT A/2466

Egypt: request for the inclusion of an additional item in the agenda of the eighth session

[Original text : English]
[10 September 1953]

New York, 9 September 1953

I have the honour, upon instructions received from my Government, to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly in accordance with rule 14 of the rules of procedure of the General Assembly :

"Amendment of the Charter : election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States."

An explanatory note as required under rule 20 of the rules of procedure will follow.

(Signed) Ahmed Galal Eldine ABDELRAZEK,
Permanent representative of
Egypt to the United Nations.

DOCUMENT A/2466/Add.1

Egypt: Explanatory memorandum

[Original text : English]
[15 September 1953]

The United Nations Charter needs revision. It was drafted under special international circumstances which do not now prevail. Some of its basic provisions have become outdated, some others have not been implemented and many ought to be reviewed in the light of the experience acquired.

According to Article 109, paragraph 3, a proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter shall be placed on the agenda of the tenth annual session of the General Assembly. Obviously, the revision of the Charter is a delicate problem involving important political issues and considerations. It cannot properly be done unless the preliminary work is prepared with foresight, care and skilful technical knowledge. Views

of the governments of Member States and non-governmental bodies should be taken into account, analysed and co-ordinated so as to create the necessary proper atmosphere for the success of the coming General Conference and to facilitate the ratification of the amendments to be introduced.

The Egyptian delegation believes that it is advisable to elect a technical committee of Member States to prepare such work. This proposal is complementary to those of the Netherlands (A/2442) and Argentina (A/2415) and the proposals of the three States could be easily linked together.

The Egyptian delegation has the honour to propose the inclusion of this item in the agenda of the eighth regular session of the United Nations General Assembly.

**Publication of documents concerning the drafting and application of the Charter
Preparatory work with regard to the possible holding of a General Conference of the
Members of the United Nations in accordance with Article 109 of the Charter**

**DOCUMENT A/C.6/343
Memorandum by the Secretary-General**

[Original text: English]
[16 October 1953]

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INTRODUCTION

1. The Secretary-General has the honour to refer to the explanatory memorandum (A/2415) and the draft resolution (A/2415/Add.1) submitted by Argentina and to the explanatory memorandum (A/2442) submitted by the Netherlands in connexion respectively with items 58 and 70 of the agenda of the General Assembly, which propose that the Secretary-General be given the necessary means to prepare and publish:

(a) A systematic compilation of the documents of the San Francisco Conference not yet published;

(b) A complete index of all the documents of the San Francisco Conference;

(c) A systematic and comprehensive study of the legislative history of the Charter; and

(d) A repertory of the practice followed by the main organs of the United Nations on given subjects.

2. In connexion with the above, the Secretary-General submits herewith some observations for the information of the General Assembly. The four parts of this memorandum relate to and follow the order of the four points which make up the Argentine proposal.

PART I

Publication of Official Records of San Francisco Conference

3. In paragraph 2 (a) of the explanatory memorandum of Argentina (A/2415) it is stated that some of the official documents of the San Francisco Conference, including the records of the Co-ordination Committee, are not easily available for consultation. In paragraph 3 (a) of the memorandum the proposal is made that the Secretary-General be given the necessary means to prepare and publish a systematic compilation of the documents not yet published.

4. In order to assist the General Assembly in arriving at a decision on this question, the Secretary-General presents below a brief description of the official records of the San Francisco Conference and of the most comprehensive published collection of those records in existence, together with a statement of some of the problems which would have to be taken into consideration should the General Assembly decide to publish the documents referred to in the Argentine proposal.

A. Scope of Conference documents

5. The official records of the United Nations Conference on International Organization included a *Journal*, agendas for the various meetings, minutes of those meetings, working documents and reports.

6. Verbatim minutes were prepared for the meetings of the Plenary Conference and the Commissions of the Conference,¹ while summarized minutes only, or "summary reports," were issued for meetings of other organs² of the Conference.

7. The summary reports of the meetings of the Advisory Committee of Jurists were issued as working documents of the Co-ordination Committee,³ although the former was in no way subordinate to the Co-ordination Committee, but functioned to review—from the point of view of terminology—the texts prepared by the latter, and eventually reviewed the text of the whole draft Charter.

8. Verbatim minutes of Committee discussions were also taken, but only in typewritten form. These verbatim minutes were available to the Secretariat and to delegates for consultation only. However, those minutes which presented no guarantees of accuracy were not considered part of the official records of the Conference and were never released for publication.

9. All the documents, with the exception of the *Journal*, which was printed, were issued in mimeographed or photo-offset form. With few exceptions all documents were issued in English; most of them also appeared in French, some in Russian and Spanish and a few in Chinese.

B. UNIO publication of Conference documents

10. Before the close of the San Francisco Conference, arrangements were made by the United Nations Information Organization (UNIO), in collaboration with the Library of Congress, for the publication of the unrestricted documentation. As a result, a set of these documents was published,⁴ comprising fifteen volumes together with a sixteenth index volume issued in 1946, reproduced in photo-offset form.

11. One thousand sets were originally printed for the United Nations Information Organization. The entire issue was destined for sale only, and no free distribution was made to Members of the United Nations. When UNIO transferred its activities to the United Nations, a remaining stock of 390 sets were transferred to the United Nations, of which 150 are still available.

C. Documents not included in the UNIO edition

12. The UNIO edition is the most comprehensive existing published compilation of the documents of the San Francisco Conference. However, certain documents were not included in that publication, namely:

(a) The documents of the Co-ordination Committee, and

¹ Commission I (General provisions), Commission II (General Assembly), Commission III (Security Council), Commission IV (Judicial Organization).

² The General Committees—Steering, Executive, Co-ordination, and Credentials—the Advisory Committee of Jurists, and the twelve Technical Committees.

³ Accordingly, all references in this memorandum to documents of the Co-ordination Committee include the summary reports of the Advisory Committee of Jurists.

⁴ *Documents of the United Nations Conference on International Organization*. Michigan: Edwards Brothers, Inc., 1945.

(b) The verbatim minutes of the discussions of the Committees.

13. With regard to the documents of the Co-ordination Committee, restrictions against the publication of those documents existed at the time of the publication of the UNIO sets. Since those restrictions were lifted only in 1947,⁵ the Co-ordination Committee documents were not included in that publication, with the exception of some (amounting to 261 pages) which were included in volume 15 of the UNIO edition.

14. As regards the verbatim minutes of the Committee discussions, it has already been pointed out above (paragraph 8) that those minutes were not part of the official records of the Conference.

15. It is assumed, therefore, that the explanatory memorandum submitted by Argentina (A/2415) proposes the publication of the documents of the Co-ordination Committee. For reasons already given above, it is further assumed that the publication of the verbatim minutes of that Committee or of the other Committees of the Conference is not contemplated.

D. Problems and financial implications involved in the publication of Co-ordination Committee documents

16. Should it be decided to publish only the documents of the Co-ordination Committee, it may be anticipated that these documents could be contained in two new published volumes. Certain problems will have to be resolved in deciding on their publication, namely:

(a) The languages of publication, and

(b) Whether to publish the Co-ordination Committee documents which have already been published by UNIO.

17. With regard to the first problem, it may be noted that 316 pages of the Co-ordination Committee documents have not been translated into French. Consideration should therefore be given to the question of the completion of the French translation. Some additional workload for the Secretariat would be involved, but it is expected that if sufficient time is provided this could be absorbed by the services concerned without disruption of their other activities.

18. With respect to the second problem, it would appear that in order to make the two new volumes self-contained the Co-ordination Committee papers which have already been published in volume 15 of the UNIO sets should be reproduced as appropriate in the suggested new volumes.

19. The estimated printing costs would depend upon the decision as regards the above problems and would vary as follows:

	600 sets US \$	1,000 sets US \$
(a) Publication of documents in language of submission without additional translation (1,624 pages)	5,600	6,000
(b) Publication of documents with additional translation (1,940 pages)	6,000	6,250
(c) Publication of documents as in (a) above, together with reprinting of relevant parts of volume 15 of UNIO set (1,885 pages)	6,000	6,250

⁵ The question of lifting those restrictions was left by the Conference to the Preparatory Commission for the United Nations. The latter, however, did not act upon the recommendation. In 1946, the Secretary of State of the United States transmitted the Co-ordination Committee documents to the Secretary-General of the United Nations, together with a note referring to the latter the question of removing the restrictions against their publication. In 1947, the Secretary-General lifted those restrictions.

	600 sets US \$	1,000 sets US \$
(d) Publication of documents as in (b) above, together with reprinting of relevant parts of volume 15 of UNIO set (2,201 pages)	6,400	6,600

20. The estimated revenue would depend upon the following distribution arrangements:

	US \$
(a) Two volumes containing only documents not yet published:	
(i) Restricted free official distribution (estimated sale of 250 copies of each volume)	2,500
(ii) Unrestricted free official distribution (estimated sale of 125 copies of each volume)	1,250
(b) Two volumes containing documents published in volume 15 of UNIO edition together with documents not yet published:	
(i) Restricted free official distribution (estimated sale of 500 copies of each volume)	5,000
(ii) Unrestricted free official distribution (estimated sale of 300 copies of each volume)	3,000

PART II

Index of Documents of the San Francisco Conference

21. Paragraph 2 (b) of the explanatory memorandum submitted by the Government of Argentina (A/2415) refers to the voluminous documentation of the San Francisco Conference and to the difficulty which exists at present in tracing the history of certain articles of the Charter through the various stages of their drafting by the organs of the Conference. In paragraph 3 (b) of the memorandum the Government of Argentina proposes that the Secretary-General be given the necessary means to prepare and publish a complete index of all the documents of the Conference.

22. The index to the fifteen-volume set published by the United Nations Information Organization, which is only a page index, does not present a chronological development of the Charter texts, which is called for by the Argentine proposal, nor does it refer to the summary reports of the Co-ordination Committee, which have not been published up to the present.

A. Form and contents

23. The Secretariat has examined the possibility of preparing a chronological and synoptical index of the documentation of the Conference which would also cover such documents of the Conference as the General Assembly may decide to publish. Such a comprehensive index volume would consist of two parts.

24. Part A would be an index to the legislative history of the Charter. Each article or, when appropriate, each significant paragraph of an article would be traced chronologically through the various organs of the Conference until its final adoption in plenary session. A reference to the relevant proposals, amendments and other documents would be included.

25. An analytical subject index would follow immediately after each such article or paragraph. The more significant subjects dealt with by these provisions would be brought out by references to the meetings at which the discussion took place and to the delegations which participated in the discussion.

26. Part B would be an alphabetical key to specific subjects with reference to the appropriate articles indexed in part A. This key would also include references to the matters not pertinent to individual articles of the Charter but to the Conference in general, such as the composition of committees and the rules of procedure.

27. The following tables could be added to these two parts of the index:

(a) A table of meetings, showing the number and the date at which the meetings were held and the relevant document symbol.

(b) Check lists of documents, in straight numerical sequence and by document symbol, giving a brief title for each document.

(c) A table of correspondence between the articles of the Dumbarton Oaks proposals and the United Nations Charter.

28. As an example of the indexing which is proposed, one paragraph of an article of the Charter (paragraph 7 of Article 2) has been traced through the published documents as well as through the documents not yet published of the Co-ordination Committee and of the Advisory Committee of Jurists. It should be noted that although care has been taken to include all relevant data, absolute completeness is not claimed. Such completeness can be assured only after all the documents of the Conference have been indexed. It should also be noted that no references are made to the verbatim records, but that such material could be incorporated if it were decided to publish these records as well.

B. Financial implications

29. In the absence of precise information as to the bulk of the documentation to be published it is very difficult to make accurate estimates of the cost of the index, as described above. The preparation of an English or French index only would require one month of the time of an indexer experienced in United Nations documentation for each volume of the size and format of the fifteen UNIO volumes. Thus, if the documents of the Co-ordination Committee only were published in two volumes supplementing the existing fifteen, approximately seventeen man-months would be required to index the seventeen volumes. If the verbatim records or other related documents were also published, the work of indexing them would increase accordingly, i.e., at the rate of about one additional man-month per volume of documents published.

30. To prepare both English and French indexes according to the same plan would require about one and a half man-months per volume of documents.

31. Clerical assistance at the intermediate level in proof-reading and typing would amount to about eight man-months for the English and French index only, or about thirteen man-months for an index in the two languages.

32. It is expected that temporary assistance funds would be required only for replacement of the indexer during the period of his assignment. The salary cost involved would be \$5,750 for twelve man-months or about \$12,500 for the maximum estimated period of twenty-five months.

33. Additional expenditure would have to be incurred for printing of the index. The amount would depend on the number of pages, typography and format of one volume. It is unlikely, however, that the printing costs would be less than \$10,000.

C. Example of index proposed

A

Index to Legislative History

NOTE: Numerals in parentheses refer to volumes and pages of the published set of documents.

CHARTER: ARTICLE 2 (7)

Dumbarton Oaks Proposals. Chap. VIII, sect. A, para. 7. Doc. 1, G/1 (III, 1-23):

Amendments and proposals:

Colombia. Doc. 2, G/14(s) (III, 588)

Czechoslovakia. Doc. 2, G/14(b) (III, 467)

Greece. Doc. 2, G/14(h) (III, 533)

Liberia. Doc. 2, G/14(a) (III, 464)

Mexico. Doc. 2, G/7(c) (III, 65-69)

USA, United Kingdom, USSR, China (Four sponsoring Governments). Doc. 2, G/29 (III, 623).

STEERING COMMITTEE

Documents:

Informal memorandum on possible organization of the Conference. (V, 9).

Report. Doc. 32, DC/7, 27 April 1945. (V, 116).

Informal memorandum on possible organization of Conference approved.

Report. Doc. 31, DC/6, 27 April 1945. (V, 126).

Article allocated to Commission I.

PLENARY SESSIONS

Action:

5th meeting, 30 April 1945. Doc. 42, P/10. (I, 359). Allocation of article to Commission I approved.

COMMISSION I, TECHNICAL COMMITTEE 1

Documentation for meetings of Committee I/1.

Doc. 215, I/1/10. (VI, 525-571).

Proposals:

Australia. Doc. 969, I/1/39. (VI, 436).

Belgium. Doc. 914, I/1/A/20. (VI, 691).

Norway. Doc. 929, I/1/37. (VI, 430).

Discussion:

8th meeting, 17 May 1945. Doc. 423, I/1/20. (VI, 310). Referred to Sub-Committee A. (VI, 312).

SUB-COMMITTEE A

Documents:

Text of Chapter II. Doc. 656, I/1/A/16. (VI, 688).

Report. Doc. 739, I/1/A/19(a) (VI, 723).

Discussion:

15th meeting, 11 June 1945. Doc. 926, I/1/36. (VI, 424).

16th meeting, 13 June 1945. Doc. 976, I/1/40. (VI, 494-499).

17th meeting, 14 June 1945. Doc. 1019, I/1/42. (VI, 507-513).

Report of Sub-Committee A adopted.

Report (Addendum to appendix to Rapporteur's report) Doc. 994, I/1/34(1)(c). (VI, 485).

Report (Supplement to report of Rapporteur) Doc. 1070, I/1/34(1)(d). (VI, 483-489).

CO-ORDINATION COMMITTEE

Discussion:

22nd meeting, 15 June 1945. WD 410, CO/170. (Vol.—, p.—*).

ADVISORY COMMITTEE OF JURISTS

Discussion:

15th meeting, 18 June 1945. WD 405, CO/157. (Vol.—, p.—*).

COMMISSION I

Discussion:

2nd meeting, 15 June 1945. Doc. 1123, I/8. (VI, 83).

3rd meeting, 19 June 1945. Doc. 1167, I/10. (VI, 108-113).

Report. Doc. 1142, I/9. (VI, 231), Doc. 1179, I/9(1), (VI, 247).

CO-ORDINATION COMMITTEE AND ADVISORY COMMITTEE OF JURISTS

Documents:

Tentative drafts [of the Charter] of the Co-ordination Committee and the Advisory Committee of Jurists. Doc. 1033, CO/141(1), 21 June 1945. (XV, 56).

Draft Charter as finally approved in English by both the Co-ordination Committee and the Advisory Committee of Jurists on 22 June 1945. Doc. 1159, CO/181, 23 June 1945. (XV, 173).

Action:

Complete text of Charter agreed upon at 22nd meeting of the Advisory Committee of Jurists, 22 June 1945. WD 423, CO/187. (Vol.—, p.—*).

STEERING COMMITTEE

Action:

11th meeting, 23 June 1945. Doc. 1213, ST/23 (V, 311). Draft Charter approved.

PLENARY SESSIONS

Action:

9th meeting, 25 June 1945. Doc. 1210, P/20 (I, 631). Charter approved. Text (XI, 335-553).

Analytical Subject Index

COMPARISON WITH LEAGUE OF NATIONS COVENANT

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Peru; VI, 496, Uruguay; VI, 498, Norway); 17th meeting, 14 June 1945. (VI, 507, USA; VI, 510, Belgium).

Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 109, Uruguay; VI, 111, Belgium).

DOMESTIC JURISDICTION: MEANING

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 496, Argentina, Uruguay); 17th meeting, 14 June 1945. (VI, 508, USA; VI, 509, Greece, Peru; VI, 511, Belgium).

Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 109-110, Uruguay).

"ESSENTIALLY WITHIN THE DOMESTIC JURISDICTION"

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Peru); 17th meeting, 14 June 1945. (VI, 511, Belgium; VI, 511-512, Australia).

EXCEPTIONS IN ENFORCEMENT MEASURES

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 497, China).

INTERNATIONAL COURT OF JUSTICE: JURISDICTION

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Greece); 17th meeting, 14 June 1945. (VI, 508, USA; VI, 509, Greece, USA; VI, 510, Czechoslovakia; VI, 511, Australia; VI, 512, Peru).

Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 112, Belgium).

INTERVENTION: MEANING

Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Mexico).

RELATION TO OTHER CHARTER PROVISIONS

Chapter I, Article 2(5): Discussion in Committee I/1: 17th meeting, 14 June 1945. (VI, 509, USA).

Chapter VII: Discussion in Committee I/1: 15th meeting, 12 June 1945. (VI, 424, Australia). 16th meeting, 13 June 1945. (VI, 497, China).

Chapter X: Discussion in Committee I/1: 17th meeting, 14 June 1945. (VI, 507, 508, USA; VI, 510, Belgium).

B

Alphabetical subject key

Domestic jurisdiction: *See under* Charter. Art. 2 (7)

Dumbarton Oaks Proposals:

arrangement for discussion. XV, 14-18

comments and proposed amendments. III, 24-636

guide. III, 637-710

text. III, 637-710

"Essentially within the domestic jurisdiction": *See under* Charter. Art. 2 (7)

Enforcement measures:

exceptions: *See under* Charter. Art. 2 (7)

International Court of Justice:

jurisdiction:

and domestic jurisdiction: *See under* Charter. Art. 2 (7)

Intervention: *See under* Charter. Art. 2 (7)

League of Nations:

Covenant:

and domestic jurisdiction: *See under* Charter. Art. 2 (7)

Non-intervention: *See under* Charter. Art. 2 (7)

United Nations Conference on International Organization:

Advisory Committee of Jurists:

functions. II, 591; V, 317; XV, 6

Advisory Committee on Languages:

establishment. II, 625-626

functions. II, 593-595

Agenda. V, 117-118

Commission I (General provisions)

members. XV, 581-583, 641-649

officers. VI, 3-4, 9

procedure. VIII, 6, 7

report. VIII, 249-256

revision. VIII, 265-272

* Document has not yet been published.

Committee I/1:

documents used. VI, 525-641
 officers. VI, 3-4, 9, 263
 procedure. VI, 268-269, 281, 297, 333, 342-343
 rapporteur's report to Commission I. VI, 387-401, 446-460
 addendum. VI, 483, 485
 appendix. VI, 402-404, 461-463
 supplement. VI, 486-489
 Sub-Committee I/1/A:
 composition. VI, 696
 rapporteur's report. VI, 696-707, 717-723
 terms of reference. V, 126; VI, 269-270.

PART III

A Systematic and Comprehensive Study of the Legislative History of the Charter

34. Under paragraph 3 (c) of its explanatory memorandum (A/2415), the Government of Argentina envisaged the publication by the Secretary-General of "a systematic and comprehensive study of the legislative history of the Charter". The Secretariat has, for some time, been making an effort to compile a legislative history of the Charter and has made some modest progress in that work. Recently, however, the project had to be deferred in order to give priority to another, namely, that of the preparation of a *répertoire* of the practices of the United Nations under the Charter, referred to in Part IV below, the existing resources of the Secretariat being insufficient for both projects to be undertaken at the same time.

A. *Form and content*

35. A legislative history of the Charter might take either of the following two forms. First, it might be a self-contained legislative history, including therein all material in the official records of the San Francisco Conference. This would present a complete account of the various stages of deliberations on all the main issues and would obviate the necessity of the reader's consulting the records of the Conference. On the other hand, such a work would assume voluminous proportions, amounting to a rearrangement, albeit with some abbreviations, of all the official records, and it may well be that not all of the material thus included would be of interest to the delegations. It is estimated that such a work would require a team of some ten officers for approximately one and a half years. Assuming that the average length of the legislative history of an article is 50 pages, the finished work on the whole Charter would become a document of some 5,500 typewritten pages.

36. Alternatively, a legislative history of the Charter might take a less complete form: it might give a briefer summary of the various stages of the deliberations at San Francisco, omitting reference to issues which had no direct bearing upon the evolution of a given provision of the Charter and citing less extensively statements of delegates. Such a work would be more concise and more readable. On the other hand, it would not present a self-contained legislative history and the reader might, on occasion, still find it necessary to resort to the San Francisco records. It is estimated that a work of such reduced proportions would require a team of officers approximately of the same size as that required for the more complete form stated in the preceding paragraph. The finished work, however, would be more concise, amounting to probably some 2,500 typewritten pages.

B. *Financial implications*

37. The preparation and publication of the proposed legislative history of the Charter, having the form and content outlined in paragraphs 35 and 36 above, would involve additional expenditure both for temporary staff and for printing. While the direction of the project would be undertaken by existing senior staff and several

research assistants would, as a priority matter, be detailed to the project from work elsewhere in the Secretariat, it is nevertheless probable that an expenditure for temporary assistance would be required.

For the present it is assumed that extra funds of about \$28,750 for 1954 and \$14,375 for the first half of 1955 would be needed. This would allow for the recruitment of five research assistants at the associate officer level for a period of one and a half years. Printing of the proposed legislative history would entail the following estimated costs:

	US\$
(i) Self-contained legislative history (English only, 5,500 typewritten pages) ..	30,000
(ii) Summarized legislative history (English only, 2,500 typewritten pages) ..	16,000

38. At the present time it is not possible to estimate the revenue which would be derived from either of the above-mentioned publications, but it is believed that such revenue would be negligible.

C. *A comprehensive index in lieu of legislative history*

39. In the event that the General Assembly does not wish to incur the additional expenditures necessary for the publication of a legislative history of the Charter, as estimated above, it may be that one main purpose of publishing a legislative history might be achieved by the preparation and publication of the comprehensive index volume described in part II above. Such an index would enable a reader to find the relevant documents of the San Francisco Conference and to trace the history of the drafting of a provision of the Charter. It would also contain, as stated above, references to specific subjects, indicating relevant documentation and discussions. All of these documents would be available if the unpublished documents of the San Francisco Conference are published as contemplated under paragraph 3 (a) of the Argentine explanatory memorandum.

PART IV

A Repertory of Practice of United Nations Organs

40. In paragraph 2 (d) of its explanatory memorandum (A/2415), the Government of Argentina noted that a number of organs of the United Nations have acquired during the last seven years an extensive experience in applying the provisions of the Charter and have established precedents in this respect. Pointing to the difficulty of obtaining an adequate knowledge of the practice so established, in view of the multiplicity of the relevant documents, the Government of Argentina states that, "A repertory of the practice of United Nations organs on selected subjects, based exclusively on official documents and written objectively and without comment, would be most useful", and proposes in paragraph 3 (d) of the memorandum that the Secretary-General should be given the necessary means to prepare and publish "a repertory of the practice followed by the main organs of the United Nations on given subjects".

41. The Netherlands Government, which proposed the inclusion in the agenda of the item entitled "Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter", states in paragraph 4 of its explanatory memorandum (A/2442) that "This preparatory work could in the first place consist of a compilation or repertory of the jurisprudence of the United Nations. The preparation and publication of such documentation should be entrusted to the Secretary-General. For this purpose funds should be made available if necessary." The Netherlands Government further indicates, in paragraph 5 of its memorandum, that the study envisaged in paragraph 3 (d) of the explanatory

memorandum relating to the item proposed by the Government of Argentina, could, at the same time, cover the preparatory work envisaged by the Netherlands Government, if it were undertaken with due regard to Article 109 of the Charter.

42. In order to facilitate the consideration by the General Assembly of these aspects of the items proposed by Argentina and the Netherlands, the Secretary-General wishes to inform the Assembly of the activities which have been undertaken by the Secretariat in similar fields.

A. Studies previously undertaken by the Secretariat

43. Various sections of the Secretariat have in the past undertaken as part of their normal work, or pursuant to requests by United Nations organs, studies or decisions taken and practices developed by the Organization in specific fields. In this connexion it may be recalled that General Assembly resolution 686 (VII) of 5 December 1952 authorized the Secretary-General to undertake as soon as possible "the publication of... a *répertoire* of the practice of the Security Council". This *répertoire*, which is in the course of preparation, will be completed in the early part of 1954 (see also paragraph 48 below).

B. Co-ordinated study of the application of the Charter

1. Scope

44. More recently the Secretary-General, in consultation with senior officials of the Secretariat, has given attention to the usefulness at this time of a more co-ordinated study regarding the application of the provisions of the Charter. As a result, the Secretary-General decided that the first project to be undertaken would be the preparation of a repertory of practices under the Charter, and that the work on the historical background of the Charter would be developed in the light of the experience gained in preparing the repertory. It will be noted that the projected repertory corresponds closely to the proposals of the Argentine and Netherlands delegations referred to above.

45. The object of the Secretariat study is to provide in a concise and useful form a summary of United Nations practice in respect of all the articles of the Charter, emphasis being placed upon those articles or provisions in regard to which significant practice has developed in the organs of the United Nations throwing light upon the interpretation or application of particular provisions. The material would be organized primarily under the various articles of the Charter, though in many cases a significant problem or topic would be dealt with under inter-related articles, while in other cases, a topic falling under a part of an article would be treated separately. As the work on each article progresses, consideration would be given to the appropriateness of including in the analysis the historical background of the relevant article. In brief, the purpose of the study would be to produce a clear and concise reference work including appropriate references to the records, with a treatment of the substance of the article which would be comprehensive enough and sufficiently analytical to provide the basis for conclusions to be drawn by the reader. The highest degree for objectivity would be observed throughout.

46. The work has been organized in the following manner. A preliminary and tentative list of articles was allocated to each of the substantive departments of the Secretariat, on the understanding that this selection was a tentative one and subject to modifications in the light of the experience gained in the actual study. Within each department, an official has been given responsibility for

co-ordinating and expediting the study. These officials form a working group, headed by an official appointed by the Secretary-General, which meets to consider common problems of treatment and over-all co-ordination of the study. Another group known as the "review group" is to deal with questions of policy relating to the study brought to its attention by the working group.

47. The study is at present in a planning and preparatory stage. The Secretary-General will, in the future orientation of the project, take full account of the ideas expressed and the decisions reached by the General Assembly on the items proposed by the Governments of Argentina and the Netherlands.

2. Relation to other studies

48. With regard to the *répertoire* of practice of the Security Council undertaken by the Secretary-General under General Assembly resolution 686 (VII), it should be noted that its preparation is based upon the views expressed in the Sixth Committee and set forth in the report of the Secretary-General on the subject.⁶ In accordance with these views, the material in this study will not necessarily bear directly on the articles of the Charter, but will be organized and arranged on the basis of the problems which have arisen in the practice of the Council. Upon the completion of the Security Council *répertoire*, however, it will be possible to reorganize and rearrange a selection of the material contained therein so as to prepare a more concise and analytical study bearing specifically on the articles of the Charter in the same field. Thus, in that sense there will be no duplication between the two studies and, moreover, the detailed work on the *répertoire* of the Security Council will greatly facilitate the preparation of that portion of the contemplated general study on the application of the Charter which will bear on the articles relative to the Security Council.

49. It may also be useful to observe that the Secretariat project would differ in its approach and its scope from similar undertakings already initiated by national and international bodies which, according to information received by the Secretariat, devote their efforts to the clarification of national points of view with respect to the Charter or to the elaboration of proposals for revision of Charter provisions.

3. Financial implications

50. As regards staffing and expenditure, it will be noted that, at present, the work on the project described above is being undertaken by the existing staff and facilities on a departmental basis with an inter-departmental co-ordinating machinery. It is envisaged that, when some of the departmental studies are concluded on specific articles of the Charter, a larger measure of co-ordination with respect to substance and presentation of the material gathered will be required. It may be estimated, therefore, that the full-time services of at least two officials will be necessary, a senior officer assisted by an associate or second officer, to perform the necessary co-ordination and editorial work under the direction of the chairman of the working group. Funds to the amount of some \$18,640 will be required for temporary assistance for this purpose over a period of one year. Expense may also have to be incurred for translating and publishing in mimeographed form the material gathered, although an effort will be made to carry out this work within the limits of normal budgetary allocations.

⁶ Official Records of the General Assembly, Seventh Session, Annexes, agenda item 55, document A/2170, paras. 100 and 101.

C. Financial implications of Argentine proposal

51. Having regard to the similarity between the co-ordinated study of the application of the provisions of the Charter described above and the proposal made by Argentina in paragraph 2 (d) of its explanatory memorandum, it is expected that the financial implications of the Argentine proposal would be the same as those given in paragraph 50 above.

ANNEX

SUMMARY OF FINANCIAL IMPLICATIONS

The costs summarized below do not reflect the total cost of work to be accomplished under the Argentine proposal, in view of the assumption that much of the substantive and languages staff required for the several projects would be detailed from the existing establishment on a priority assignment basis. It has also been assumed that common staff costs related to the recruitment proposed could be provided within normal appropriations.

	Approximate range of additional costs	
	Min. US \$	Max. US \$
I. Publication of official records of the San Francisco Conference:		
Printing	5,600*	6,600*
II. Index of San Francisco documents:		
Personnel	5,750	12,500
Printing	10,000	10,000
III. Legislative history of the Charter:		
Personnel	43,125	43,125
Printing	18,000	30,000
IV. Repertory of practice of United Nations organs:		
Personnel	18,640	18,640
TOTAL	99,115	120,865

* There would, however, be an estimated revenue of \$1,250 to \$5,000.

DOCUMENT A/C.6/L.305

Costa Rica and Egypt: draft resolution

[Original text: English]
[19 October 1953]

The General Assembly,

Having regard to the provision of Article 109, paragraph 3, of the Charter,

Mindful of the fact that the General Assembly in compliance with this provision may decide to hold a General Conference for the purpose of reviewing the present Charter,

Recognizing that the examination of the proposal to hold this General Conference would require considerable preparatory work,

Recognizing further that the work and deliberations of this General Conference—in case the General Assembly should decide to convene it—would be considerably facilitated if a comprehensive study were made of the provisions of the Charter as applied by the various organs of the United Nations,

1. Requests the Secretary-General to prepare all the relevant documents and materials necessary for the preparatory work and the study mentioned above;

2. Decides to establish an advisory committee composed of fifteen Member States to assist the Secretary-General in the preparatory work necessary for the possible convening for the General Conference referred to in Article 109, paragraph 3, of the Charter;

3. Requests this Committee to:

(a) Prepare a questionnaire to be circulated by the Secretary-General to the Member States to ascertain their preliminary views on what they may deem appropriate for the purpose of the General Conference referred to in Article 109 of the Charter;

(b) Receive, examine, analyse and co-ordinate the views expressed by the Member States;

(c) Report to the General Assembly not later than 30 June 1955;

4. Invites the Member States to submit their views on the questionnaire communicated to them by the Secretary-General.

DOCUMENT A/C.6/L.306/Rev.1⁷

Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan: draft resolution

[Original text: English]
[21 October 1953]

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly

facilitate consideration by the tenth annual session of the question of calling a General Conference,

1. Requests the Secretary-General to prepare before the end of 1954:

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published;

(b) A complete index of all the documents of that Conference;

⁷ The text of draft resolution A/C.6/L.306, dated 19 October 1953, which is not printed in this fascicule, is identical with the present revised text, but Canada was not included among the sponsors of the original text.

(c) A systematic and comprehensive study of the legislative history of the Charter ;

(d) A repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise ;

2. Invites the Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter ;

3. Requests the Secretary-General to circulate these preliminary views to Member States as soon as they have been submitted.

DOCUMENT A/C.6/L.306/Rev.2

Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan : revised draft resolution

[Original text : English]

[26 October 1953]

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly facilitate consideration by the tenth annual session of the question of calling a General Conference,

1. Requests the Secretary-General to prepare and publish during 1954, or shortly thereafter :

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

(b) A complete index of all the documents of that Conference ;

(c) A systematic and comprehensive study of the legislative history of the Charter ;

(d) A repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise ;

2. Invites the Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter ;

3. Requests the Secretary-General to circulate these preliminary views to Member States as soon as they have been submitted.

DOCUMENT A/C.6/L.307

Belgium, Colombia, France and Mexico : amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text : French]

[26 October 1953]

1. Replace the preamble to the draft resolution by the following :

"The General Assembly,

"Considering that any measure likely to lead to a more thorough knowledge of the Charter is conducive to the efficient functioning of the United Nations,

"Considering that a study of the preparatory work on the Charter and of the practice followed by the

various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter,

"Considering that such a study may be made with the help of the official documents by the Secretary-General of the United Nations,"

2. Delete paragraph 2 of the operative part.

3. Delete paragraph 3 of the operative part.

DOCUMENT A/C.6/L.308/Rev.1*

Australia and United Kingdom of Great Britain and Northern Ireland : amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text : English]

[31 October 1953]

1. Add, as fourth paragraph of the preamble :

"Having regard to the memorandum by the Secretary-General (A/C.6/343),"

2. Amend sub-paragraph (b) of operative paragraph 1 to read as follows :

"(b) A complete index of the documents of that Conference on the lines envisaged in Part II and Part III C of the memorandum by the Secretary-General ;"

3. Delete sub-paragraph (c) of operative paragraph 1.

4. Amend sub-paragraph (d) of operative paragraph 1 to read as follows :

"(c) A repertory of the practice of United Nations organs appropriately indexed ;"

* The original draft resolution, A/C.6/L.308, dated 26 October 1953, which is not printed in this fascicule, is substantially identical with the present revised text. The two texts differ as follows :

(a) Australia was not included among the sponsors of the original text.

(b) Points 2 and 3 of the present text were combined in a single point, numbered 2, in the original text, and point 4 in the present text was point 3 in the original text.

DOCUMENT A/C.6/L.309/Rev.2

El Salvador: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: Spanish]
[30 October 1953]

1. *First paragraph of the preamble*: Delete the word "present" in the phrase "reviewing the present Charter".

2. *Third paragraph of the preamble*: Delete the words "is one of the best methods of acquiring knowledge of the Charter and", and the words "by the tenth annual session".

3. *Third paragraph of the preamble*: At the end of the paragraph, omit the comma and add the words "with the object of reviewing the Charter,".

4. *Paragraph 1 of the operative part*: After the words "prepare and publish" insert the words "and to circulate among the States Members".

DOCUMENT A/C.6/L.310

Panama: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: Spanish]
[28 October 1953]

1. Delete paragraph 2 of the operative part and replace by the following:

"2. *Invites* the Member States to submit, preferably not later than 31 March 1955, their objections to the Charter and their views with regard to the possible review of the Charter";

2. Delete paragraph 3 of the operative part and replace by the following:

"3. *Requests* the Secretary-General to circulate these objections and preliminary views to Member States

as soon as they have been submitted, so that each Member State can express its opinion thereon";

3. Add the following after paragraph 3 of the operative part:

"4. *Instructs* the Secretary-General to submit all the above documentation to the General Assembly at its session in 1955 so that the Assembly can consider whether a General Conference should be convened to take a definitive decision regarding such amendments to the Charter as may be necessary and advisable."

DOCUMENT A/C.6/L.312

Czechoslovakia: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: English]
[3 November 1953]

1. Delete sub-paragraph (c) of operative paragraph 1.

2. Delete sub-paragraph (d) of operative paragraph 1.

DOCUMENT A/C.5/560

Financial implications of the draft resolution adopted by the Sixth Committee (A/C.6/L.313) estimate submitted by the Secretary-General

[Original text: English]
[16 November 1953]

1. The Sixth Committee adopted at its 380th meeting on 4 November 1953 a draft resolution (A/C.6/L.313) in which the Secretary-General is requested to prepare, publish and circulate among the Member States during 1954, or shortly thereafter, the following documentation:

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published;

(b) A complete index of the documents of that Conference; and

(c) A repertory of the practice of United Nations organs appropriately indexed.

2. The financial implications of the draft resolution are as outlined below.

Systematic compilation of unpublished documents of the San Francisco Conference

In accordance with the opinions expressed in the Sixth Committee, it is proposed to publish the Co-ordination Committee documents in English and French. This will involve the translation of an additional 316 pages into French.

It is also proposed to include in this publication relevant parts of volume 15 of the set published by the United Nations Information Organization (UNIO). It is estimated that 1,000 copies of each volume would be adequate for sales and distribution purposes as outlined by the Secretary-General in the memorandum which he submitted to the Sixth Committee (A/C.6/343).

Such a systematic compilation could be prepared by existing staff in the course of 1954. Extra funds of \$6,600 would be required, however, for publishing the compilation in 1954. Revenue from sales, realizable in 1955, is estimated at \$2,500.

Complete index of documentation of the San Francisco Conference

The preparation and publication in English and French of a complete index of the documents of the United Nations Conference on International Organization as envisaged in part II and part III C of the Secretary-General's memorandum (A/C.6/343) would necessitate the full-time services of three indexers (including one with legal qualifications) for approximately twelve months. This estimate is made on the basis of seventeen volumes of documents to be indexed in English and French.

Clerical assistance in proof-reading and typing would amount to about thirteen man-months for an index in two languages, and would be provided within the existing establishment.

Additional temporary assistance funds totalling \$18,830 would be required, however, to cover the employment in 1954 of three indexers (two associate officers at \$5,750 per annum and one second officer at \$7,330 per annum).

At the present time, it is difficult to estimate accurately the printing costs, which would depend on number of pages, typography and format of the volumes. It is thought that these costs, which would also arise in 1954, would not be less than \$10,000.

Repertory of practice of United Nations organs

Work on the repertory of the practice of United Nations organs is at present being undertaken by existing staff on a departmental basis with an inter-departmental co-

ordinating committee. In addition, the full-time services of at least two staff members (one senior officer and one second officer) will be needed, over a period of one and a half years, to perform the necessary co-ordination and editorial work. It is intended to provide these staff members by detail from work elsewhere in the Secretariat and without requesting replacement posts.

The Repertory would be published in 1955 in mimeographed form in English and French, involving the translation of about 1,000 pages of text. The cost, if accounted for separately, would be approximately \$14,000. Provision for this work would be made in the normal budgetary proposals for 1955.

3. The additional cost of implementing the draft resolution totals \$35,430 for the year 1954. Of this sum, \$18,830 is for temporary assistance under section 6^a (Library) and the remaining \$16,600 is for contractual printing under section 26 (Publications). Common staff costs related to temporary assistance requirements would be absorbed within the normal appropriations for section 17 of the 1954 budget. Revenue of \$3,000 would result from staff assessment in 1954 and \$2,500, not realizable until 1955, is anticipated from sales of publications.

4. In consequence of the above costs, the over-all requirements for sections 6^a and 26 of the 1954 budget would be increased as follows:

	Section 6 ^a US \$	Section 26 US \$
Estimates approved by Fifth Committee (first reading)	460,300	718,300
Supplementary requirements	18,830	16,600
	<hr/>	<hr/>
Revised estimates	479,130	734,900

Publication of documents concerning the drafting and application of the Charter

Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter

Amendment of the Charter : election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States.

DOCUMENT A/2559

Report of the Sixth Committee

[Original text: English]
[19 November 1953]

I. INTRODUCTION

1. The three items to which the present report relates were placed on the agenda of the eighth session of the General Assembly upon the request of the permanent representatives of Argentina, the Netherlands and Egypt, respectively. As provided in rule 20 of the rules of procedure, the proposals of the three Member States were accompanied by explanatory memoranda giving reasons for their submission (A/2415, A/2442, A/2466/Add.1).

2. At its 435th plenary meeting, held on 17 September 1953, the General Assembly decided, on the recommendation of the General Committee, to include the items

entitled "Publication of documents concerning the drafting and application of the Charter"; "Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter"; "Amendment of the Charter; election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States" in the agenda of its eighth session and to refer the items to the Sixth Committee for consideration.

3. The Sixth Committee considered the three items jointly from its 371st meeting, held on 19 October 1953, to its 380th meeting, held on 4 November 1953.

4. A memorandum containing observations on the first two items was submitted by the Secretary-General to the Sixth Committee for its information (A/C.6/343). In his memorandum the Secretary-General presented a detailed description of the official records of the San Francisco Conference and indicated, in particular, that the only official records not published up to the present were the documents of the Co-ordination Committee, including the summary reports of the Advisory Committee of Jurists. The memorandum described the manner in which a chronological and synoptical index of the documentation of the Conference could be prepared by the Secretariat and indicated that the preparation of a systematic and comprehensive study of the legislative history of the Charter, previously undertaken, had had to be deferred in order to give priority to the preparation of a repertory of the practices of the United Nations under the Charter. The suggestion was made that the main purpose of publishing a legislative history might be achieved by the preparation of a comprehensive index to the San Francisco documentation. The memorandum also contained a report on the initial steps taken within the Secretariat with a view to a preparation of a co-ordinated history of the application of the Charter provisions. A summary of the financial implications of the proposals before the Committee was annexed.

II. PROPOSALS SUBMITTED TO THE SIXTH COMMITTEE

5. The following draft resolutions were before the Committee :

(a) A draft resolution by *Argentina* (A/2415/Add.1) which stated in its preamble that one of the best methods of acquiring knowledge of the Charter was to study its legislative history and the practice followed by the various organs of the United Nations in applying it, and that this study could be carried out by the Secretariat on the basis of the official documents. The operative part provided that the General Assembly would request the Secretary-General to arrange to publish, before the end of 1954: (1) a systematic compilation of the documents of the United Nations Conference on International Organization not yet published; (2) a complete index of all the documents of that Conference; (3) a systematic and comprehensive study of the legislative history of the Charter; and (4) a repertory of various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise.

(b) A draft resolution by *Costa Rica and Egypt* (A/C.6/L.305) the preamble of which referred to Article 109, paragraph 3, of the Charter, and stated that the examination of the proposal to hold a General Conference for the purpose of reviewing the Charter would require considerable preparatory work, and that the work and deliberations of the General Conference—in case the General Assembly should decide to convene it—would be considerably facilitated if a comprehensive study were made of the provisions of the Charter as applied by the various organs of the United Nations. The operative part of the draft resolution proposed that the General Assembly should (1) request the Secretary-General to prepare all the relevant documents and materials necessary for the preparatory work and study mentioned in the preamble; (2) establish an advisory committee composed of fifteen Member States to assist the Secretary-General in the preparatory work necessary for the possible convening of the General Conference referred to in Article 109, paragraph 3, of the Charter. The advisory committee would be requested to prepare a questionnaire to be circulated to the Member States to ascertain their preliminary views on what they might deem appropriate for the purpose of the General Conference; to receive,

examine, analyse and co-ordinate the views expressed by the Member States; and to report to the General Assembly not later than 30 June 1955. Member States would be invited to submit their views on the questionnaire prepared by the advisory committee.

(c) A draft resolution by *Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan* (A/C.6/L.306/Rev.2), which also referred in the preamble to the provisions of Article 109 of the Charter and stated that the examination of a proposal to hold a General Conference would require considerable preparation on the part of both the Secretary-General and Member States. It expressed the view that a study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations would be one of the best methods of acquiring knowledge of the Charter and would greatly facilitate the Assembly's consideration, at its tenth annual session, of the question of calling a General Conference. Under paragraph 1 of the operative part of this draft resolution, the General Assembly would request the Secretary-General to prepare and publish during 1954, or shortly thereafter: (a) a systematic compilation of the documents of the United Nations Conference on International Organization not yet published; (b) a complete index of all the documents of that Conference; (c) a systematic and comprehensive study of the legislative history of the Charter; (d) a repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they had given rise. Under paragraph 2 the General Assembly would invite Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter, and under paragraph 3 it would request the Secretary-General to circulate these preliminary views to Member States as soon as they had been submitted.

6. The following amendments were submitted to the draft resolution submitted by *Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan* :

(a) An amendment submitted by *Belgium, Colombia, France and Mexico* (A/C.6/L.307) which proposed to substitute for the preamble of the six-Power draft resolution a statement that any measure likely to lead to a more thorough knowledge of the Charter would be conducive to the efficient functioning of the United Nations; that a study of the preparatory work on the Charter and of the practice followed by the various organs of the United Nations would be one of the best means of acquiring knowledge of the Charter; and that such a study might be made with the help of the official documents by the Secretary-General. The amendment further proposed to delete paragraphs 2 and 3 of the operative part of the draft resolution.

(b) An amendment submitted by *Australia and the United Kingdom* (A/C.6/L.308/Rev.1) which proposed: (1) to add a fourth paragraph to the preamble of the six-Power draft resolution referring specifically to the memorandum by the Secretary-General (A/C.6/343); (2) to amend sub-paragraph (b) of operative paragraph 1 to read as follows: "(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General"; (3) to delete sub-paragraph (c); and (4) to replace sub-paragraph (d) by the following sub-paragraph: "(c) A repertory of the practice of United Nations organs appropriately indexed".

(c) An amendment submitted by *El Salvador* (A/C.6/L.309/Rev.2) which proposed to make certain drafting changes in the preamble of the six-Power draft resolution and to indicate in paragraph 1 of the operative part that the Secretary-General would not only prepare and publish

the documentation requested but that he would also circulate that documentation among the Member States.

(d) An amendment submitted by Panama (A/C.6/L.310) which proposed to replace paragraph 2 of the operative part of the six-Power draft resolution by a paragraph inviting the Member States to submit, preferably not later than 31 March 1955, their objections to the Charter and their views with regard to the possible review of the Charter; to replace paragraph 3 of the operative part by a request to the Secretary-General to circulate these objections and preliminary views to Member States as soon as they had been submitted so that each Member State could express its opinion thereon; and to add a fourth paragraph instructing the Secretary-General to submit all the documentation which he would prepare in accordance with the resolution to the General Assembly at its session in 1955 so that the Assembly could consider whether a General Conference should be convened to take a definitive decision regarding such amendments to the Charter as might be necessary and advisable.

(e) An amendment submitted by Czechoslovakia (A/C.6/L.312) which proposed to delete sub-paragraphs (c) and (d) of operative paragraph 1 of the six-Power draft resolution.

III. DISCUSSION IN THE SIXTH COMMITTEE

Study of the Charter and Charter review

7. During the discussion which took place in the Committee, consideration was given to the question of the relation between the proposals before the Committee and the question of Charter review under paragraph 3 of Article 109.

8. A number of delegations held the view that it was desirable to make such preparations now as would enable governments in 1955 to reach a considered opinion on the question whether a General Conference should be convened to review the Charter. It was the view of those delegations that the provisions of Article 10 and of paragraph 1 of Article 109 of the Charter were sufficiently broad to enable the General Assembly to undertake such preparations. Without committing themselves on the question whether a revision of the Charter would be desirable, several delegations expressed themselves in favour of holding a General Conference for the purpose of reviewing the Charter. Other delegations went further and asserted that the Charter required revision, but it was recognized that revision could not be effected without the approval of each of the permanent members of the Security Council.

9. Some delegations favoured technical studies, but wished to avoid linking them at the present time to the question of reviewing the Charter. In their view, it was premature to deal with the question of review and it was even doubtful whether the General Assembly was competent to undertake any activities bearing directly on the review of the Charter, since Article 109 entrusted that task to a General Conference and not to any of the existing organs of the United Nations.

10. Some delegations opposed the adoption of the proposals submitted to the Committee and maintained that they were indirect attempts to abolish the unanimity rule and to undermine the basic principles of the Charter. In their opinion, it was not likely that extensive and costly preparatory work would be proposed unless the proponents intended it to result in revision. Any proposals made in anticipation of the revision of the Charter could only increase international tension and might endanger the existence of the United Nations.

Proposal for publication of documents concerning the drafting and the application of the Charter

(a) *Compilation of unpublished documents of the San Francisco Conference*

11. It was generally agreed that it would be useful to publish the hitherto unpublished official documents of the Co-ordination Committee of the San Francisco Conference. In this connexion, the suggestion was made that the Secretariat should distribute to governments, some of which were not represented at the San Francisco Conference and had not had the same opportunity as others to obtain those documents, the edition of the San Francisco records prepared by the United Nations Information Organization. Without that material, it would be of little value to have at hand what would be a supplement to it.

(b) *Preparation of an index to the documents of the San Francisco Conference*

12. With respect to the preparation of a comprehensive index to the San Francisco documents, agreement was expressed with the suggestions in the Secretary-General's memorandum (A/C.6/343) as to the form and contents of such an index. It was pointed out that the analytical index suggested by the Secretary-General should be prepared not only from the technical but also from the juridical viewpoint, with due regard to the legally significant issues involved in the interpretation of each particular article or paragraph of the Charter.

(c) *Legislative history of the Charter*

13. Those delegations which favoured the preparation of a systematic and comprehensive legislative history of the drafting of the Charter stressed the usefulness which such a study would have for governments and for United Nations organs. Its cost, when spread over the two years which would be required for its preparation, would be small compared with its value. Other delegations expressed doubts as to the desirability of such a history and wondered whether its cost and the burden that its preparation would place upon the Secretariat would be justified. In particular, it was pointed out that a multi-lateral instrument such as the Charter initially reflected a variety of views but later acquired an independent existence and had to be interpreted accordingly. It was therefore questionable whether the intentions of its authors would be of value in its interpretation, not only because of the number of countries involved, but also in view of the fact that States which became members subsequent to its drafting had not been heard at the San Francisco Conference. In addition, it was stated that a legislative history, unless accompanied by explanatory comments, would not help the reader greatly in understanding why the various provisions had developed along certain lines. The selection of material for inclusion in such a history would be a difficult task for the Secretariat, and would be more difficult in a summarized history than in an extended one.

14. In view of those considerations, the Secretary-General's suggestion that a comprehensive index might serve the purpose of a legislative history of the Charter evoked favourable responses from several delegations.

(d) *Repertory of practice under the Charter*

15. In supporting the proposal regarding the preparation of a repertory of the practice of the United Nations under the Charter, several delegations observed that such a repertory would assist governments in forming a considered opinion about the desirability of convening a General Conference under Article 109. In addition,

emphasis was laid on the intrinsic value which would be derived from the proposed repertory independently of its usefulness in the determination whether the Charter required review. Such a repertory would contribute to an understanding of the Charter regardless of whether a General Conference were convened or not. The Secretariat was the only institution equipped to carry out such a scientific and objective study and had already commenced its preparation as part of its normal functions.

16. With respect to the presentation of the proposed repertory, some delegations, wishing to give the Secretary-General clear instructions on the matter, expressed the view that it should be prepared along the lines indicated in part IV of the Secretary-General's memorandum. It was pointed out that material should be organized primarily in terms of the various articles of the Charter so as to reveal their application and interpretation, rather than be given a historical case-by-case treatment. A significant topic might be treated separately when its importance warranted such consideration or when dealt with in more than one article. The importance of a good index to the repertory was stressed. Some delegations suggested that the repertory should be kept up to date by periodic supplements.

(e) *Administrative implications*

17. In reply to questions raised in the Sixth Committee, the representative of the Secretary-General explained that existing staff would be inadequate for the preparation of a legislative history of the Charter. A concise study would lay a heavier workload on the Secretariat and would require the same staff (five research assistants) as a comprehensive study, but the printing costs would be less. As regards the proposed index, the debate had made it clear that the index would have to be more complete than had been expected, and the services of an indexer with legal training would be required. With respect to the repertory of practice, each department would be responsible for the section which was its own special concern; two additional staff members working under a Secretariat committee would be necessary for co-ordination and editorial presentation.

18. In regard to the time schedule it was noted that publication of the Co-ordination Committee documents and of the index would be completed within one year and the repertory of practice would probably be substantially done within that time. It was unlikely that the repertory could be completed in a year, particularly since translation and publication would require additional time.

Proposal to invite Member States to submit preliminary views regarding possible revision of the Charter

19. With respect to the proposal to invite Member States to submit their preliminary views regarding the possible revision of the Charter, the delegations which favoured the proposal thought that its adoption would result in a useful exchange of views which would greatly assist the General Assembly at its tenth session in deciding whether a General Conference should be called, since a general picture of the position taken and the amendments desired by governments would emerge. It was understood that the words "preliminary views" were used in order to leave governments entirely free to express whatever opinions they wished or not to express any at all. Indeed, the purpose of requesting the views of governments was not so much to induce them to take a definite position in advance as to stimulate them to study the question. Some delegations felt that non-member States should also be requested to submit their opinions on Charter revision.

20. In addition to the constitutional arguments mentioned earlier, other reasons were advanced by those delegations which opposed the proposal to request governments to submit their preliminary views on Charter revision. Governments would hesitate to formulate their views without knowing what would be the international atmosphere three years hence. If they submitted their views beforehand, they might find it difficult to modify their positions during the General Conference, if one were held. Should some governments advance their views and others refrain from doing so, an incorrect picture of international opinion would result. It was pointed out that, if the only purpose of requesting governments for their opinions was to stimulate the study of Charter revision, that purpose had already been achieved by the debates in the Sixth Committee.

Proposal for election of a technical committee to study and report on amendment of the Charter

21. With regard to the establishment of an advisory committee to study and report on the amendment of the Charter, the delegations which supported this proposal considered it a method of preparing gradually for revision of the Charter similar to the conference which had been held by the Great Powers prior to the San Francisco Conference. One of the committee's tasks would be to prepare a questionnaire to ascertain the preliminary views of governments as to what amendments to the Charter might generally be acceptable, although the position of Member States would not be prejudiced by the expression of such preliminary views. The committee would also assist the Secretary-General in his task of preparing the necessary documentation, thus guaranteeing his neutrality.

22. Most of the objections to the proposal to request governments to submit their views on Charter revision were also raised with respect to the proposal regarding an advisory committee. Doubts were also expressed as to the usefulness of a committee having such imprecise terms of reference. By the mere act of drawing up a questionnaire, the committee would limit the scope of the comments of governments and it was questionable whether the committee should be allowed to supervise the preparation of documents and studies by the Secretariat. The task entrusted to the Secretariat should be a purely objective one, and the General Assembly alone could judge its value.

IV. DISPOSITION OF PROPOSALS

23. At the 372nd meeting of the Sixth Committee the delegation of Argentina withdrew its draft resolution (A/2415/Add.1) in favour of the five-Power draft resolution (A/C.6/L.306).⁹ At the 374th meeting the draft resolution of Costa Rica and Egypt (A/C.6/L.305) was withdrawn by its authors.

24. At the 379th and 380th meetings, the Sixth Committee proceeded to vote on the six-Power draft resolution (A/C.6/L.306/Rev.2) and the amendments submitted to it.

25. Point 2 of the four-Power amendment (A/C.6/L.307) proposing the deletion of paragraph 2 was adopted by 24 votes to 23, with 5 abstentions.

26. The representative of Argentina requested the Chairman to consult the Committee on the question whether a new vote should be taken to check the results of the first. The Chairman, considering that a new vote would imply reconsideration of the matter, put the Argentine proposal to the vote under rule 122 of the rules

⁹ Subsequently replaced by the six-Power draft resolution (A/C.6/L.306/Rev.1).

of procedure; there were 25 votes in favour, 24 against and 5 abstentions. The vote, which was taken by roll call, was as follows:

In favour: Argentina, Australia, Brazil, Canada, Chile, China, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Honduras, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Peru, Philippines, Turkey, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Belgium, Burma, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, Denmark, France, Guatemala, Iceland, India, Indonesia, Iraq, Liberia, Mexico, Norway, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Egypt, Greece, Iran, Israel, Thailand.

Having failed to obtain the required two-thirds majority, the proposal was not adopted.

27. By 27 votes to 16, with 2 abstentions, the Committee decided not to vote on point 3 of the four-Power amendment, which was therefore automatically adopted in view of the vote on point 2. As a result, paragraph 3 of the operative part of the six-Power draft resolution was considered deleted.

28. The deletion of operative paragraphs 2 and 3 of the six-Power draft resolution rendered unnecessary a vote on the amendment by Panama (A/C.6/L.310) to amend those paragraphs and to add a fourth operative paragraph.

29. Point 1 of the Czechoslovak amendment (A/C.6/L.312), to delete sub-paragraph (c) of operative paragraph 1 of the six-Power draft resolution, was rejected by 20 votes to 18, with 7 abstentions. Point 2 of the same amendment, proposing the deletion of sub-paragraph (d), was rejected by 24 votes to 8, with 5 abstentions.

30. Point 4 of the amendment submitted by El Salvador (A/C.6/L.309/Rev.2), to insert the words "and to circulate among the States Members" in operative paragraph 1, was adopted by 39 votes to 5, with 5 abstentions.

31. Point 2 of the amendment submitted by Australia and the United Kingdom (A/C.6/L.308/Rev.1), to substitute a new text for sub-paragraph (b) of operative paragraph 1, was adopted by 29 votes to 17, with 4 abstentions. Notwithstanding the rejection of point 1 of the amendment of Czechoslovakia (A/C.6/L.312), the Committee decided, by 26 votes to 16, with 6 abstentions, to vote on point 3 of the amendment by Australia and the United Kingdom, proposing to delete sub-paragraph (c) of operative paragraph 1. Point 3 of the amendment was adopted by a roll-call vote of 27 to 20, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Czechoslovakia, Denmark, Egypt, France, Iceland, India, Iran, Iraq, Liberia, Norway, Philippines, Poland, Saudi Arabia, Sweden, Syria, 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.

Against: Argentina, Brazil, Canada, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Indonesia, Mexico, Netherlands, New Zealand, Nicaragua, Panama, Peru, Uruguay, Venezuela, Yugoslavia.

Abstaining: Greece, Israel, Pakistan, Thailand, Turkey.

32. Point 4 of the amendment by Australia and the United Kingdom to substitute a new text in place of sub-paragraph (d) of operative paragraph 1, was adopted by 23 votes to 16, with 7 abstentions.

33. Point 1 of the four-Power amendment (A/C.6/L.307), to replace the preamble of the six-Power draft resolution with a new text, was rejected by a roll-call vote of 28 to 15, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Belgium, Burma, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, France, Guatemala, Iran, Liberia, Mexico, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Argentina, Brazil, Canada, Chile, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Iceland, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Sweden, Turkey, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Australia, India, Indonesia, Iraq, Israel, Saudi Arabia, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

34. Point 1 of the amendment by El Salvador (A/C.6/L.309/Rev.2), to delete the word "present" in the first paragraph of the preamble, was adopted by 28 votes to 7, with 10 abstentions. The amendment in point 2 to delete the words "is one of the best methods of acquiring knowledge of the Charter and" in the third paragraph of the preamble was rejected by 29 votes to 5, with 14 abstentions. The amendment in point 2 to delete in the same paragraph the words "by the tenth annual session" was rejected by 40 votes to 2, with 7 abstentions. The amendment in point 3 to delete the comma at the end of the same paragraph, and to add the words "with the object of reviewing the Charter," was rejected by 16 votes to 9, with 25 abstentions.

35. Point 1 of the amendment by Australia and the United Kingdom (A/C.6/L.308/Rev.1) to add a fourth paragraph to the preamble, was adopted by 28 votes to 6, with 11 abstentions.

36. The draft resolution of Argentina, Canada, Cuba, the Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2), as amended, was then put to the vote in parts. The first paragraph of the preamble, as amended, was adopted by 38 votes to 5, with 3 abstentions. The second paragraph of the preamble was adopted by 41 votes to 5, with 2 abstentions. The third paragraph of the preamble was adopted by 40 votes to 5, with 5 abstentions. The operative part of the draft resolution, as amended, was adopted by 44 votes to 5.

37. The draft resolution as a whole, as amended, was then adopted by 48 votes to 5.

Recommendation of the Sixth Committee

38. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Draft resolution

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly

facilitate the General Assembly's consideration, at its tenth annual session, of the question of calling a General Conference,

Having regard to the memorandum by the Secretary-General (A/C.6/343),

Requests the Secretary-General to prepare, publish and circulate among the Member States during 1954, or shortly thereafter :

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General ;

(c) A repertory of the practice of United Nations organs appropriately indexed.

DOCUMENT A/2575

Twenty-third report of the Advisory Committee on Administrative and Budgetary Questions : financial implications of the draft resolution submitted by the Sixth Committee (A/2559)

[Original text : English]
[24 November 1953]

1. The Secretary-General has submitted, in accordance with rule 152 of the rules of procedure, a statement (A/C.5/560) of the financial implications of the draft resolution (A/2559) submitted by the Sixth Committee on the subject of the publication of documents concerning the drafting and application of the Charter.

2. The following table shows the financial implications (as estimated by the Secretary-General) of the three points enumerated in the draft resolution :

	1954	1955
	US \$	
(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published	6,600	—
(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General (A/C.6/343)	28,830	—
(c) A repertory of the practice of United Nations organs appropriately indexed	—	(14,000*)
	35,430	(14,000*)

* This item, covering the cost of translation into French and Spanish, would be included in the regular budget estimates for 1955.

3. The above figures represent supplementary costs. Part of the 1954 requirements under each of the three heads would be met within the budgetary provision already approved by the Fifth Committee in first reading.

4. In view of the importance of the projected work, the Advisory Committee has considered whether a deferment of other activities planned for 1954 might be desirable

in order to reduce to a minimum the addition to the budget of that year. Any such deferment would have reference to section 6a (Library) and section 26 (Publications). A sum of \$16,600 is estimated by the Secretary-General for printing costs under the latter section, comprising \$6,600 and \$10,000 respectively for points (a) and (b), while under section 6a, \$18,830 is estimated for the engagement during 1954 of three indexers for work on the seventeen volumes of documentation of the San Francisco Conference.

5. Having regard, however, to the cuts in these two sections already recommended by the Fifth Committee in first reading, the Advisory Committee doubts whether a further substantial deferment of work would be advisable, although a minor part of the indexing (point (b)) could doubtless be undertaken by the existing staff. As regards the reproduction material under points (a) and (b), the Committee suggests for consideration a process less costly than printing and similar to the one used for reproducing the documents of the San Francisco Conference.

6. The Committee also notes that neither the compilation of UNCIO documents nor the index will necessarily be completed during 1954. The draft resolution proposed by the Sixth Committee (A/2559, paragraph 38) requests that these should be prepared, published and circulated during 1954, or shortly thereafter.

7. On the basis of the considerations set forth in paragraphs 5 and 6 above, the Advisory Committee considers that, in the event of the adoption of the draft resolution, the provision of \$30,000 should prove adequate for the year 1954. It is recommended that this sum, which represents a reduction of \$5,430 on the Secretary-General's estimate, should be distributed at his discretion between section 6a and section 26.

DOCUMENT A/2578

Financial implications of the draft resolution submitted by the Sixth Committee (A/2559) : report of the Fifth Committee

[Original text : English]
[26 November 1953]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request made by the President of the General Assembly in a letter to the Chairman of the Fifth Committee dated 5 November 1953, the Fifth Committee, at its 412th meeting on 25 November 1953, considered the financial implications of the draft resolution submitted by the Sixth Committee (A/2559,

para. 38) on items 58, 70 and 72 of the agenda of the eighth session.

2. The Fifth Committee had before it a statement by the Secretary-General (A/C.5/560) on the financial implications of the Sixth Committee's draft resolution, together with observations thereon submitted by the

Advisory Committee on Administrative and Budgetary Questions in its twenty-third report (A/2575).

3. It was estimated by the Secretary-General that the additional cost of implementing the draft resolution would amount to \$35,430 for the year 1954. Of this sum \$18,830 would be needed for temporary assistance under section 6a of the budget and the remaining \$16,600 for contractual printing under section 26. Common staff costs relating to temporary assistance requirements could, in the Secretary-General's opinion, be absorbed within the normal appropriation for section 17, in addition to which revenue of \$3,000 would result from staff assessment in 1954 and an estimated \$2,500 from sales of publications in 1955.

4. The Advisory Committee, in its report, expressed doubt whether, in view of the cuts in sections 6a and 26 already recommended by the Fifth Committee in first reading, a further substantial deferment of work would be advisable. As regards the reproduction of the documents of the United Nations Conference on International Organization which have not been published and the proposed complete index of the documents of that Conference, the Advisory Committee suggested that consideration might be given to the use of a less costly process than printing. It also noted that neither the compilation of UNCIO documents nor the index would necessarily be completed during 1954 since the draft

resolution of the Sixth Committee requested that these should be prepared, published and circulated during 1954 or shortly thereafter. On the basis of these considerations, the Advisory Committee recommended that, in the event of the adoption of the draft resolution, the provision of \$30,000 should prove adequate for the year 1954, and that the reduction of \$5,430 on the Secretary-General's estimate should be distributed at his discretion between sections 6a and 26.

5. The Fifth Committee, after receiving an assurance from the representative of the Secretary-General that an appropriation as recommended by the Advisory Committee would not prejudice or delay the carrying out of the work called for, rejected by 36 votes to 5 a proposal by the representative of the Union of Soviet Socialist Republics to recommend that no additional provision should be made in the budget estimates for 1954, and approved, by 36 votes to 5, with one abstention, the recommendation of the Advisory Committee indicated above.

6. The Fifth Committee accordingly informs the General Assembly that, in the event of the adoption of the draft resolution of the Sixth Committee, additional budgetary provision will be required in a total amount of \$30,000.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the draft resolution submitted by the Sixth Committee (p. 18 of this fascicule). For the final text, see resolution 796 (VIII).

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A/C.6/L.308/Rev.1	Australia and United Kingdom of Great Britain and Northern Ireland: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)	12	
A/C.6/L.309	El Salvador: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)		See A/C.6/L.309/Rev.2.
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A/C.6/L.313	Text of the draft resolution adopted by the Sixth Committee at its 380th meeting		See A/2559, para. 38.
A/RESOLUTION/133	Resolution adopted by the General Assembly at its 458th plenary meeting, on 27 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 796 (VIII).

GENERAL ASSEMBLY



ANNEXES ✓

EIGHTH SESSION

Official Records

HEADQUARTERS, NEW YORK, 1953

Agenda item 71: Measures for the peaceful solution of the problem of prisoners of war

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Supplementary list of items for the agenda of the eighth session of the General Assembly : item proposed by the Secretary-General

[Original text: English]
[3 September 1953]

After consultation with the Chairman of the *Ad Hoc* Commission on Prisoners of War, the Secretary-General has proposed the inclusion in the agenda of the eighth regular session of the General Assembly of an item entitled "Measures for the peaceful solution of the problem of prisoners of war". At the conclusion of its current session in Geneva, the *Ad Hoc* Commission on Prisoners of War will be submitting a report to the Secretary-General under the terms of General Assembly resolution 427 (V) of 14 December 1950. This report will be transmitted to the General Assembly by the Secretary-General and will constitute the basic documentation for the item.

DOCUMENT A/2482 and Corr.1

Progress report to the Secretary-General on the work of the "Ad Hoc" Commission on Prisoners of War¹

[Original text: English and French]
[18 September 1953]

NOTE BY THE SECRETARY-GENERAL :

In an explanatory memorandum (A/2460), dated 3 September 1953, the Secretary-General stated that "at the conclusion of its current session in Geneva" the *Ad Hoc* Commission on Prisoners of War would be submitting a report to him under the terms of General Assembly resolution 427 (V) of 14 December 1950 and that the report, which would be transmitted to the General Assembly, would constitute the basic documentation for the item.

The Secretary-General has now received the attached report (A/AC.46/13) entitled "Progress report to the Secretary-General on the work of the *Ad Hoc* Commission on Prisoners of War", which he has the honour to circulate to the members of the General Assembly.

¹ The present progress report (A/AC.46/13) covers the work of the *Ad Hoc* Commission from its establishment under General Assembly resolution 427 (V) of 14 December 1950 up to and including its fourth session. The following reports of the Commission have been issued previously: First interim report (A/AC.46/5), dated 27 August 1951; Second interim report (A/AC.46/8), dated 11 February 1952; Special report (A/AC.46/10), dated 12 September 1952; and Third interim report (A/AC.46/11), dated 13 September 1952.

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1. The *Ad Hoc* Commission on Prisoners of War was established under General Assembly resolution 427 (V) of 14 December 1950. Under the resolution, the Secretary-General appointed as members of the Commission Mr. J. G. Guerrero, Vice-President of the International Court of Justice, Countess Bernadotte, of Sweden, and U. Aung Khine, Judge of the High Court of Burma. At the first session, Mr. Guerrero was elected Chairman and Rapporteur.

2. The question of prisoners of war having been placed on the provisional agenda of the forthcoming eighth regular session of the General Assembly, the Commission has prepared an interim report on the progress of its work. This report is confined to a strictly objective statement of the facts, from which the General Assembly will be able to draw its own conclusions.

I. THE BASIC PROBLEM

3. The problem of the prisoners of the Second World War who had not been repatriated or about whom no information was available was brought before the United Nations in 1950 after negotiations through normal diplomatic channels had proved ineffective. Among the main factors which rendered the problem particularly complex were the destruction caused by the war, the difficulty of establishing proper records during hostilities, the confusion introduced by the new category of prisoners accused of war crimes, and, finally, the fact that among the belligerents of the Second World War there were Powers

which had not ratified the Geneva Convention of 1929.² In the case of the belligerent Powers which were signatories to the Geneva Convention, the compilation and exchange of information during hostilities was as a rule followed and the accounting was fairly complete. But in the case of belligerents which were not parties to the Geneva Convention little or no information was exchanged during the war.

4. At the time when the decision was taken to set up an *Ad Hoc* Commission, the information before the General Assembly at its fifth session already afforded striking evidence of the magnitude of the question with which the *Ad Hoc* Commission would have to deal, and the information since received by the Commission has shown the problem to be even greater and more complex than had been realized. It involved, in fact, tracing prisoners of war reported missing not merely on a single front but on all the fronts to which the war extended. The Commission therefore concluded that the full collaboration of all the governments which had taken part in the Second World War would be required to clarify the problem. Even where governments had made every effort to discharge their international obligations to report on all prisoners who came into their custody, there were noticeable gaps in information as a result of the rapidly shifting events at the end of the war, the disintegration of government authorities in the vanquished States and the loss of records. In the case of those belligerent

² Convention concluded at Geneva on July 27th, 1929, relative to the Treatment of Prisoners of War.

countries which, during the war, had not exchanged information on prisoners held in their custody, the lack of information concerning the fate of hundreds of thousands increased the difficulty of the problem.

5. As one important means of clarifying the fate of these thousands of missing former prisoners of war, the Commission has had the opportunity of studying information furnished to it by governments on the request of the Secretary-General, under the terms of General Assembly resolution 427 (V), or on the request of the Commission itself. This information included:

(a) The names of prisoners of war still held by them, the reasons for which they were detained, and the places in which they were detained;

(b) The names of prisoners who have died while under their control as well as the date and cause of death and the manner and place of burial in each case.

6. Had all governments concerned co-operated with the United Nations and with the *Ad Hoc* Commission on Prisoners of War in supplying this information, the problem as it was presented to the General Assembly at its fifth session and the problem which the Commission has faced during its two and one-half years of existence would have been well on the road to a satisfactory solution. It may in fact be stated that in those areas where governments have fully co-operated with the Commission in supplying such information, the problem is no longer an urgent one and that continuing bilateral consultations between the governments concerned will do much to clarify the fate of those whose names still are listed among the missing.

II. THE COMMISSION'S APPROACH TO ITS TASK

7. At the opening of its first session at United Nations Headquarters on 30 July 1951, the Commission marked out as its first task the duty of interpreting with accuracy the terms of the resolution adopted by the General Assembly at the fifth session and determining the limits of the powers with which the Commission had been invested. As a result of such precise interpretation, the Commission hoped to create an atmosphere of confidence in its future work and at the same to guarantee to all the governments concerned that it would pursue its efforts without regard to any political consideration and in a strictly objective manner.

8. The nature of the mission entrusted to the *Ad Hoc* Commission derived from the actual terms of General Assembly resolution 427 (V) of 14 December 1950:

"The General Assembly...

"Requests the Secretary-General to establish an *Ad Hoc* Commission... with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned".

9. In order to make known as widely as possible the interpretation it had given to its mandate, the Commission decided to make an official statement, and authorized its Chairman to send a letter to the governments of all Member and non-member States. The chief points in the letter were the following:

"The Commission has unanimously arrived at the opinion that it is neither a judicial organ nor a body of political inquiry.

"The Commission is unanimous in holding that the subject of its labours is to arrive at a solution of the question of prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned.

"The Commission therefore approaches its task with the single-minded purpose of assisting in an enterprise of international co-operation to solve an international problem of general concern."

The letter defined the forms of such co-operation as follows:

"(a) Transmission to the Commission of any information which it may deem necessary to request from the governments concerned with a view to facilitating the accomplishment of its task.

"(b) Transmission to the Commission of any suggestion which would come within the framework of its mission as described in the preceding paragraph of this letter.

"(c) The establishment of direct contact between the Commission and representatives of the governments concerned."

10. In conformity with the plan of work established by the *Ad Hoc* Commission and for the purpose of giving practical expression to the idea of examining the problem in collaboration with all governments concerned in its task, the Commission decided to invite the governments of the following countries to name representatives to attend the second session that was to be held in Geneva in January 1952: Australia, Belgium, France, the Federal Republic of Germany, Italy, Japan, Luxembourg, the Netherlands, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. With the exception of the Government of the Union of Soviet Socialist Republics, all these governments signified their readiness to take part in the work of the Commission and named representatives to attend its session.

11. The Commission extended invitations to the same group of interested governments to attend its third and fourth sessions. With the exception of the Union of Soviet Socialist Republics, all governments reiterated their intention of co-operating with the Commission and named representatives or observers. In addition to the governments mentioned above, the Government of Denmark named an observer to attend the second and third sessions, and the Government of Brazil named a representative to attend the Commission's third session.

12. As a result of the participation of the representatives of all these governments, the Commission received much detailed information concerning prisoners of war. The information was of two kinds. On the one hand, some governments furnished information concerning the prisoners of war who, at one time or another, had been detained in their custody. On the other hand, certain governments furnished information concerning numbers of their nationals who were believed to have been at one time in the custody of a foreign Power and had not as yet been repatriated or otherwise accounted for.

13. The Commission was faced with a special problem owing to the fact that, through the judgments of military tribunals or other judicial proceedings, prisoners of war have become war criminals. Because of its conviction that full information concerning such prisoners should be made available, the Commission decided to approach the governments detaining such persons with a view to obtaining detailed information concerning them.

14. In consequence, in a letter from the Chairman of the Commission, dated 18 April 1952, various governments which were detaining prisoners of war convicted or accused of war crimes were requested to send the Commission the following information:

(a) Name of person prosecuted;

(b) Date of trial;

- (c) Place of trial ;
- (d) Offence with which the person was charged ;
- (e) Date of judgment ;
- (f) Conviction or acquittal ;
- (g) Penalty imposed ;
- (h) Place where sentenced person was under detention.

In the same letter, the governments were also requested to furnish the Commission with lists of cases pending before national courts or under investigation. That letter was sent to the governments of the following countries: Australia, Canada, Denmark, France, Norway, the Philippines, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Yugoslavia. With the exception of the Government of the USSR, all the above-mentioned governments furnished the information requested by the Commission.

15. The situation of the Japanese nationals who had not yet been repatriated or of whom nothing was known was another special problem. Information contained in the TASS communiqués of 22 April and 9 June 1950, together with the information furnished to the Commission by the Government of Japan, indicated that a certain number of Japanese might be detained not only by the Government of the USSR but also by the Central People's Government of the People's Republic of China. Information was also supplied by the Government of Japan concerning the number of prisoners presumed to be on the Chinese mainland, as well as the location of certain camps where they might be detained. The Japanese delegation to the second session of the Commission drew particular attention to the case of 326 nurses believed to have been detained by the authorities of the People's Republic of China. In order to establish contact with the authorities of the People's Republic of China, the Commission decided to follow the procedure provided by paragraph 3 (c) of General Assembly resolution 427 (V) authorizing the Commission "to use the good offices of any qualified or impartial person or organization whom it considers might contribute to the repatriating of or the accounting for such prisoners".

16. Efforts to make contact by this means with the Central People's Government of the People's Republic of China having failed, the Commission at its third session, on the request of the Japanese delegation, decided to attempt to establish direct contact with the People's Republic of China. To this end, the Chairman of the Commission sent a letter on 8 September 1952 to Mr. Chou En-lai, Minister for Foreign Affairs of the People's Republic of China, requesting him to transmit to the Commission all possible information concerning civilians, members of the armed forces and alleged war criminals detained on the Chinese mainland. Although the People's Republic of China did not reply to this request, it conducted a mass repatriation of Japanese nationals from its territory, which is described in a subsequent chapter (paragraph 44).

17. It is important to emphasize that the Commission has scrupulously avoided the slightest gesture which might be given a political significance. It has, for example, several times refused invitations to go to Japan and to the Federal Republic of Germany in order to obtain information on the spot, and has made arrangements with representatives of those governments to supply affidavits so that the authenticity of the information may be verified as much as possible.

18. It will be seen that for the most part the Commission has decided that its task would be best fulfilled by working in close collaboration with governments and making use of the information supplied by them. However, apart from its direct and official approach, the

Commission has established relations with a number of organizations that are specially qualified to assist it in checking the accuracy of information received from the governments that have signified their readiness to help it in its investigation.

III. INFORMATION RECEIVED FROM GOVERNMENTS

19. As a result of the requests for information addressed to the governments of Member and non-member States and the direct consultations between government representatives and the Commission, a large amount of valuable information was made available to the Commission which contributed in no small measure to the clarification of the situation of prisoners of war who were still unrepatriated or otherwise unaccounted for.

20. The summary and the table which are to be found below provide as accurate a picture as possible of the manner in which governments co-operated with the Commission and the categories of information that they supplied.

21. From a study of the summary it will be apparent which governments responded to the series of requests for information; which governments had had any connexion with prisoners of war or had no information concerning prisoners; and which governments had, at one time or another, held prisoners of the Second World War in their custody. As regards the latter group, the summary indicates which governments were no longer holding prisoners of war at the time of the establishment of the Commission; which governments, while holding prisoners of war at the time of the Commission's establishment, were no longer holding prisoners at the time of the opening of the fourth session; and which governments were still holding prisoners of war in connexion with war crimes. The summary goes on to show which governments had furnished information concerning prisoners of war who had died while in detention in their custody, and which governments, having had prisoners of war in their custody, provided no information to the Commission concerning those who had died. It also shows which governments had supplied the Commission with detailed information concerning prisoners held in connexion with war crimes, and which governments had not replied to the Commission's request for such information.

22. The governments of the following eighty Member and non-member States were requested to supply information to the Commission:³

Afghanistan	Colombia
Albania	Costa Rica
Argentina	Cuba
Australia	Czechoslovakia
Austria	Denmark
Belgium	Dominican Republic
Bolivia	Ecuador
Brazil	Egypt
Bulgaria	El Salvador
Burma	Ethiopia
Byelorussian Soviet Socialist Republic	Finland
Canada	France
Ceylon	German Democratic Republic
Chile	Germany, Federal Republic of
China, Republic of	Greece
China, People's Republic of	Guatemala
	Haiti

³ All these governments, with the single exception of that of the People's Republic of China, were approached in the first instance by the Secretary-General in his letter of 23 February 1951 and by the Commission in the Chairman's letter of 8 August 1951. The People's Republic of China was approached by the Commission at its third session. See document A/AC.46/11, para. 10.

Hashemite Kingdom of the Jordan	Panama
Honduras	Paraguay
Hungary	Peru
Iceland	Philippines
India	Poland
Indonesia	Portugal
Iran	Romania
Iraq	Saudi Arabia
Ireland	Sweden
Israel	Switzerland
Italy	Syria
Japan	Thailand
Korea, Republic of	Turkey
Lebanon	Ukrainian Soviet Socialist Republic
Liberia	Union of South Africa
Liechtenstein	Union of Soviet Socialist Republics
Luxembourg	United Kingdom of Great Britain and Northern Ireland
Mexico	United States of America
Monaco	Uruguay
Nepal	Venezuela
Netherlands	Yemen
New Zealand	Yugoslavia
Nicaragua	
Norway	
Pakistan	

China, People's Republic of	New Zealand
Denmark	Norway
Finland	Philippines
France	Union of South Africa
Germany, Federal Republic of	Union of Soviet Socialist Republics
Greece	United Kingdom of Great Britain and Northern Ireland
India	Ireland
Italy	United States of America
Japan	Yugoslavia
Luxembourg	
Netherlands	

Of these governments, fourteen indicated that, at the date of the establishment of the Commission, they were no longer holding any prisoners of war; four indicated that, while they were holding prisoners of war at the date of the establishment of the Commission, they were no longer holding such prisoners at the date of the opening of the fourth session of the Commission; and seven indicated that they were still holding prisoners of war at the close of the fourth session of the Commission.

A. The following fourteen governments indicated that, at the date of the establishment of the Commission, they were no longer holding any prisoners of war:

Belgium	Italy
Ceylon	Japan
China, Republic of	Luxembourg
Finland	Netherlands
Germany, Federal Republic of	New Zealand
Greece	Union of South Africa
India	United States of America

B. The following four governments indicated that, while they had been holding prisoners of war at the date of the establishment of the Commission, they were no longer holding any prisoners of war by the time the Commission opened its fourth session:

Australia	Canada
Burma	Philippines

C. The following seven governments indicated that they were still holding prisoners of war; and, by the end of the fourth session of the Commission, no information to the contrary had been received:⁷

China, People's Republic of: 971 Japanese nationals;
Denmark: 7 German nationals convicted of war crimes;
France: 403 German and Austrian nationals under investigation for, charged with, or convicted of, war crimes;
Norway: 20 German and 2 Austrian nationals, convicted of war crimes;
Union of Soviet Socialist Republics: 13,546 German and 1,496 Japanese nationals charged with or convicted of war crimes, or undergoing medical treatment;
United Kingdom of Great Britain and Northern Ireland: 28 German nationals convicted of war crimes;
Yugoslavia: 13 German nationals convicted of war crimes.

26. All governments were requested to furnish information concerning those prisoners of war who had died while in their custody. Of those governments which had indicated that they had at one time held prisoners of war, sixteen furnished information on those prisoners who had died while in detention, three stated that such information was made available to the governments concerned, three stated that such information was not available, two stated that no prisoners of war had died while in their custody, and two did not furnish any information on this question.

23. The following seventeen governments did not reply:

Albania	Iceland
Argentina	Korea, Republic of
Bulgaria	Paraguay
Byelorussian Soviet Socialist Republic	Poland ⁴
China, People's Republic of	Romania
Czechoslovakia	Syria
Ethiopia	Ukrainian Soviet Socialist Republic
German Democratic Republic	Uruguay
Hungary	

24. The following thirty-nine governments indicated in their replies that they had not participated in the Second World War or that they had not held any prisoners of that war or that they had no information concerning such prisoners:

Afghanistan	Ireland
Austria	Israel
Bolivia	Lebanon
Brazil	Liberia
Chile	Liechtenstein
Colombia	Mexico
Costa Rica	Monaco
Cuba	Nepal
Dominican Republic	Nicaragua
Ecuador	Pakistan
Egypt	Panama
El Salvador	Peru
Guatemala	Portugal
Haiti	Saudi Arabia
Hashemite Kingdom of the Jordan	Sweden
Honduras	Switzerland
Indonesia	Thailand
Iran	Turkey
Iraq	Venezuela
	Yemen

25. The following twenty-five governments indicated in their replies that at one time they had held prisoners of the Second World War in their custody:

Australia	Canada
Belgium	Ceylon ⁵
Burma	China, Republic of

⁴ The Government of Poland replied to the Secretary-General's letter of 23 February 1951, but merely to reiterate its opinion that General Assembly resolution 427 (V) was contrary to Article 107 of the United Nations Charter and that therefore that government could not comply with the Secretary-General's request.

⁵ The Government of Ceylon stated that prisoners who were held on its territory during the war were the responsibility of the United Kingdom.

⁶ The Central People's Government of the People's Republic of China did not transmit any reply to the Commission's inquiry. The Government of the USSR, however, stated that it had handed over some Japanese nationals to the Government of the People's Republic of China for crimes they were said to have committed against the Chinese people.

⁷ The figures of the prisoners who are still detained are based on the latest information supplied by the governments themselves, with the exception of that of the People's Republic of China, whose figures were supplied by the Government of the USSR.

A. The following sixteen governments furnished the required information on prisoners of war who had died while in their custody :

Australia	Luxembourg
Belgium	Netherlands
Canada	New Zealand
Ceylon ⁸	Norway
Finland ⁹	Philippines ¹¹
France	Union of South Africa
Germany, Federal Republic of ¹⁰	United Kingdom of Great Britain and Northern Ireland ¹²
Japan	United States of America ¹³

B. The following three governments stated that information on prisoners of war who had died in their custody had been made available to the governments concerned :

Finland ¹⁴	India ¹⁵	Italy
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⁸ The Government of Ceylon submitted the names of prisoners of war who had died while in custody on its territory, but stated that during the war any prisoners that were detained on its territory were the responsibility of the United Kingdom.

⁹ The Government of Finland stated that, in accordance with the terms of the armistice agreement concluded between it and the Government of the USSR on behalf of the Allied governments, it had fulfilled all its obligations with respect to prisoners of the war of 1941 to 1944 who had died while in custody. Information on prisoners of the war of 1944 to 1945 who had died while in custody was submitted to the Commission.

¹⁰ The Government of the Federal Republic of Germany stated that its records concerning dead prisoners of war had been removed by occupying Powers. However, incomplete records on the basis of reports from communities, cemetery administrations, clergymen, Red Cross offices, and former officers of the *Wehrmacht* in charge of grave registration, had been collected and, on the basis of these records, lists of graves of Soviet nationals in the Federal Republic of Germany had been prepared and submitted to the Commission.

¹¹ The Government of the Philippines supplied information concerning Japanese prisoners of war who had died while in detention in connexion with war crimes.

¹² The United Kingdom furnished the Commission with information on German prisoners of war who had died while in British custody. It stated that information concerning deceased Italian prisoners of war had been handed to the Italian authorities. Concerning deceased Japanese prisoners of war, the United Kingdom Government submitted information on those prisoners who had died while in detention in connexion with war crimes.

¹³ The United States Government furnished information on Italian and Japanese prisoners of war who had died while in custody in the continental United States or overseas. In the case of German prisoners of war, information was submitted regarding those who had died while in custody in the continental United States. However, the United States Government declared its readiness to make its records and files accessible to the Commission or to the Secretary-General, and to answer inquiries concerning deceased individuals as promptly as possible.

¹⁴ See footnote 9, concerning Finland.

¹⁵ The Indian Government stated that all individual records of Italian prisoners of war were forwarded to the appropriate Italian authorities.

C. The following three governments stated that information on prisoners of war who had died while in their custody was not available :

China, Republic of	Greece ¹⁶	Yugoslavia ¹⁷
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D. The following two governments indicated that no prisoners of war had died while in their custody :

Burma	Denmark
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E. The following two governments did not furnish any information on prisoners of war who died while in their custody :

China, People's Republic of	Union of Soviet Socialist Republics
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27. All governments still holding prisoners of war in their custody were requested to furnish the Commission with detailed information including the names of, and tabulated particulars on, prisoners of war who were still being held in custody.

A. The following eight governments furnished the Commission with the requested information :

Australia ¹⁸	Philippines ¹⁸
Canada ¹⁸	United Kingdom of Great Britain and Northern Ireland
Denmark	Ireland
France	Yugoslavia
Norway	

B. The following two governments did not submit the requested information :

China, People's Republic of ¹⁹	Union of Soviet Socialist Republics
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28. The information contained in the preceding paragraphs 22 to 27 is presented graphically in the following table :

¹⁶ While stating that information was not available concerning prisoners of war who had died under its control, the Greek Government submitted information on German and Italian military personnel buried in Greek cemeteries during the Second World War and during the period of occupation.

¹⁷ The Yugoslav Government furnished the Commission with the approximate total number of prisoners of war who had died in captivity but stated that, owing to the particular conditions under which the war was fought in Yugoslavia, it had not been possible to keep complete and detailed records of all deaths that had occurred among prisoners of war. An assurance was given, however, that Yugoslav authorities and the Yugoslav Red Cross were prepared to give information on individual cases in reply to specific requests.

¹⁸ Australia, Canada and the Philippines stated that they no longer had any prisoners of war in their custody by the beginning of the fourth session of the Commission (see paragraph 25, B), but had furnished the requested information at a date preceding the release of those prisoners.

¹⁹ The People's Republic of China did not answer the Commission's inquiry and therefore did not indicate that it was still holding any prisoners of war in its custody. However, the Union of Soviet Socialist Republics indicated that it had handed over to the People's Republic of China 971 Japanese nationals who were charged with crimes against the Chinese people (see paragraph 25, C).

INFORMATION RECEIVED FROM GOVERNMENTS CONCERNING PRISONERS OF THE SECOND WORLD WAR

Government requested to submit information	Whether it replied	Whether, at any time, it had held any prisoners of the Second World War in its custody	Whether, at the date of establishment of the Commission, it was holding any such prisoners	Whether, as of 12 September 1953, it was holding any such prisoners	Whether it supplied the requested information	
					(a) Concerning prisoners of war still being held in custody in connexion with war crimes or on any grounds whatsoever	(b) Concerning prisoners of war who had died while in custody
Afghanistan	Yes	No	-	-	-	-
Albania	No	-	-	-	-	-
Argentina	No	-	-	-	-	-
Australia	Yes	Yes	Yes	No	Yes	Yes
Austria	Yes	No	-	-	-	-
Belgium	Yes	Yes	No	-	-	Yes
Bolivia	Yes	No	-	-	-	-
Brazil	Yes	No	-	-	-	-
Bulgaria	No	-	-	-	-	-
Burma	Yes	Yes	Yes	No	-	No deaths
Byelorussian Soviet Socialist Republic	No	-	-	-	-	-
Canada	Yes	Yes	Yes	No	Yes	Yes
Ceylon	Yes	Yes	No	-	-	Yes
Chile	Yes	No	-	-	-	-
China, Republic of	Yes	Yes	No	-	-	Not available
China, People's Republic of	No	Yes	Yes	Yes	No	No
Colombia	Yes	No	-	-	-	-
Costa Rica	Yes	No	-	-	-	-
Cuba	Yes	No	-	-	-	-
Czechoslovakia	No	-	-	-	-	-
Denmark	Yes	Yes	Yes	Yes	Yes	No deaths
Dominican Republic	Yes	No	-	-	-	-
Ecuador	Yes	No	-	-	-	-
Egypt	Yes	No	-	-	-	-
El Salvador	Yes	No	-	-	-	-
Ethiopia	No	-	-	-	-	-
Finland	Yes	Yes	No	-	-	Yes
France	Yes	Yes	Yes	Yes	Yes	Yes
German Democratic Republic	No	-	-	-	-	-
Germany, Federal Republic of	Yes	Yes	No	-	-	Yes
Greece	Yes	Yes	No	-	-	Not available
Guatemala	Yes	No	-	-	-	-
Haiti	Yes	No	-	-	-	-
Hashemite Kingdom of the Jordan	Yes	No	-	-	-	-
Honduras	Yes	No	-	-	-	-
Hungary	No	-	-	-	-	-
Iceland	No	-	-	-	-	-
India	Yes	Yes	No	-	-	Yes
Indonesia	Yes	No	-	-	-	-
Iran	Yes	No	-	-	-	-
Iraq	Yes	No	-	-	-	-
Ireland	Yes	No	-	-	-	-
Israel	Yes	No	-	-	-	-
Italy	Yes	Yes	No	-	-	Yes
Japan	Yes	Yes	No	-	-	Yes
Korea, Republic of	No	-	-	-	-	-
Lebanon	Yes	No	-	-	-	-
Liberia	Yes	No	-	-	-	-
Liechtenstein	Yes	No	-	-	-	-
Luxembourg	Yes	Yes	No	-	-	Yes
Mexico	Yes	No	-	-	-	-
Monaco	Yes	No	-	-	-	-
Nepal	Yes	No	-	-	-	-
Netherlands	Yes	Yes	No	-	-	Yes
New Zealand	Yes	Yes	No	-	-	Yes

INFORMATION RECEIVED FROM GOVERNMENTS CONCERNING PRISONERS OF THE SECOND WORLD WAR
(continued)

Government requested to submit information	Whether it replied	Whether, at any time, it had held any prisoners of the Second World War in its custody	Whether, at the date of establishment of 12 September 1953, it was holding any such prisoners	Whether, as of 12 September 1953, it was holding any such prisoners	Whether it supplied the requested information	
					(a) Concerning prisoners of war still being held in custody in connexion with war crimes or on any grounds whatsoever	(b) Concerning prisoners of war who had died while in custody
Nicaragua	Yes	No	—	—	—	—
Norway	Yes	Yes	Yes	Yes	Yes	Yes
Pakistan	Yes	No	—	—	—	—
Panama	Yes	No	—	—	—	—
Paraguay	No	—	—	—	—	—
Peru	Yes	No	—	—	—	—
Philippines	Yes	Yes	Yes	No	Yes	Yes
Poland	No	—	—	—	—	—
Portugal	Yes	No	—	—	—	—
Romania	No	—	—	—	—	—
Saudi Arabia	Yes	No	—	—	—	—
Sweden	Yes	No	—	—	—	—
Switzerland	Yes	No	—	—	—	—
Syria	No	—	—	—	—	—
Thailand	Yes	No	—	—	—	—
Turkey	Yes	No	—	—	—	—
Ukrainian Soviet Socialist Republic . .	No	—	—	—	—	—
Union of South Africa	Yes	Yes	No	—	—	Yes
Union of Soviet Socialist Republics . .	Yes	Yes	Yes	Yes	No	No
United Kingdom of Great Britain and Northern Ireland	Yes	Yes	Yes	Yes	Yes	Yes
United States of America	Yes	Yes	No	—	—	Yes
Uruguay	No	—	—	—	—	—
Venezuela	Yes	No	—	—	—	—
Yemen	Yes	No	—	—	—	—
Yugoslavia	Yes	Yes	Yes	Yes	Yes	Not available

IV. THE PRESENT SITUATION

29. During the three years since the General Assembly established the Commission, certain developments have occurred which the Commission wishes to bring to the attention of the General Assembly. These developments affect (a) the clarification of the fate of some prisoners of war; and (b) the repatriation of others.

Clarification of the fate of prisoners of war

Countries co-operating with the Commission

30. The co-operation of governments with the Commission and the intensive research efforts conducted by governments whose nationals are missing have resulted in a considerable clarification of the problem as a whole and the ascertainment of the fate of many concerning whom information had been lacking.

31. At the request of the Government of the Federal Republic of Germany and with the consent of the governments concerned, lists of deceased prisoners that had been furnished to the Commission were made available to the Government of the Federal Republic. At the fourth session of the Commission, the representative of the Federal Republic informed the Commission that, as a result of

this co-operation, the fate of more than two thousand former prisoners of war had been clarified.

32. At the request of the Commission, a number of governments that had been detaining former prisoners of war as war criminals made available to the Commission full particulars about such persons. The transmission of such information to the States of which such persons are nationals will have the effect of throwing light on the fate of others who may have been listed as missing.

33. The Governments of the Federal Republic of Germany, Italy and Japan have been active in their efforts to clarify the fate of numbers of their nationals believed at one time to have been held in the custody of certain governments as prisoners of war and who have not yet been repatriated or accounted for. Some of the governments which at one time had detained prisoners have co-operated with the Commission and supplied full lists of such prisoners who had died or were still detained in their custody. Nevertheless, it appeared from information submitted by the Federal Republic of Germany that information was still lacking concerning a certain number of those believed at one time to have been in the custody of such governments as have co-operated with the Commission.

Upon the receipt of certain requests from the Federal Republic of Germany for information which might help to clarify the fate of such persons, the Commission entered into consultation with the representatives of the governments from whom such information was requested, namely France, the United Kingdom and the United States of America. The United States Government furnished the Commission with the available information. The United Kingdom Government informed the Commission that it had handed over to the German Red Cross some of its documents and records relating to prisoners of war, and was prepared to make the files still in its possession available for inspection in London. The French Government also gave its assurance that it was willing to enter into bilateral negotiations with the appropriate German authorities with a view to making the information in its records and files accessible for the purpose of clarifying, as far as is possible, the fate of those who may still be missing.

Similar requests were subsequently made by the Federal Republic of Germany for information from other governments which had collaborated with the Commission, and the Commission is happy to report that these governments also expressed willingness for direct consultations with the appropriate authorities of the Federal Government.

Countries not co-operating with the Commission

34. The Governments of the Federal Republic of Germany, Italy and Japan have made available to the Commission detailed information which tends to show that a certain number of their nationals believed formerly to have been in the custody of the Governments of the USSR and the People's Republic of China, as well as Albania, Bulgaria, Czechoslovakia, Hungary, Poland and Romania, are still unrepatriated and unaccounted for. Lacking any official information from these countries, the governments of those countries whose nationals are involved have conducted careful investigations so as to form as accurate an estimate as possible of the numbers and identity of their nationals believed to have been in custody in one or other of these countries in the period from the date of their disappearance or capture in the war to the present time. The information has been compiled on the basis of facts obtained by interviewing repatriated former prisoners or the relatives of prisoners, and by studying correspondence from prisoners.

On the basis of such research, the three governments concerned have made available to the Commission much information, including lists of those who are believed to have been in the custody of certain countries since the close of the Second World War. In the absence of the co-operation of the governments of those territories in which the former prisoners are believed to have been detained, the Commission has had no means of verifying such information. The Commission, however, has been impressed by the methods that have been employed to determine the facts as far as it is possible, and considers that the information presented to it serves to emphasize the need for the co-operation of those governments that must have in their possession information which, if made available, would clear up uncertainty about the fate of thousands.

35. In addition, some governments, including the Governments of Austria, France, Luxembourg and the Netherlands, have indicated that a certain number of their nationals, who were believed to have been held in custody in the USSR, remain unrepatriated or unaccounted for, and that direct negotiations with the Government of the USSR were being conducted with a view to the repatriation of their nationals.

36. In the course of its examination of the information supplied to it by various governments, the Commission had arrived at the conclusion that the co-operation of the Government of the USSR was indispensable for the successful carrying out of its task. Together with all other governments, the Government of the USSR had been requested by the Secretary-General to furnish complete lists of prisoners of war who had died while in its custody, as well as lists of the names of those who were still detained. In reply to this request for information, the Government of the USSR referred merely to the statements on prisoners of war published by the official news agency, TASS, and did not submit the requested list of names and other particulars. In a letter dated 8 August 1951, the Chairman of the Commission informed the Government of the USSR, together with other governments, of the essentially humanitarian purposes of the Commission and solicited its co-operation. Repeated invitations on the part of the Commission addressed to the USSR to name a representative to enter into direct consultation with the Commission at its second, third and fourth sessions met with no response. A request, addressed to the USSR by the Commission at its second session, for information concerning those prisoners of war who had died in Soviet custody, which made allowance for the fact that some of the lists containing such names might have been destroyed during the war, also met with no response. A request for detailed information concerning those who might have been charged with war crimes and who might still be detained in connexion with war crimes, that was addressed to the Government of the USSR along with other governments which still detained prisoners in such connexion, received no answer from the Government of the Soviet Union.

37. As a result of its failure to obtain the collaboration of the Government of the USSR, the Commission at its third session regretfully arrived at the conclusion that its work had reached an impasse and that no information received from other sources could replace that which the Commission required from the Soviet Union. The Commission therefore considered it necessary to address to the Secretary-General of the United Nations a special report (A/AC.46/10) describing the series of unfruitful attempts to establish contact with the Government of the USSR with a view to obtaining the information which it considered essential for the carrying out of its mandate.

38. Prior to the opening of the fourth session of the Commission, a special approach was made to the Government of the USSR, in the hope that it might accept the Commission's invitation and name a representative to consult with it at that session. This approach produced no change in the position of the Government.

39. The situation, as described in the Commission's special report (A/AC.46/10), is unfortunately unchanged today, and the Commission considers it its duty to draw the attention of the General Assembly to the main obstacle through which its best efforts have been frustrated.

Repatriation of prisoners of war

40. On several occasions information has been transmitted to the Commission that a certain number of prisoners of war have been repatriated.

41. The Governments of Australia, Burma, Canada and the Philippines have reported that they have repatriated or transferred to the custody of their homeland all the prisoners of war held by them at the date of the establishment of the Commission.

42. The Governments of Belgium, Denmark, France, Greece, Italy, Luxembourg, the Netherlands, Norway, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia were reported to have released some of the prisoners of war previously held in connexion with war crimes. The total number of prisoners of war thus reported released is approximately 2,300.

43. In the course of its last three sessions the Commission has been informed by a number of governments that certain of their nationals previously detained as prisoners of war in the USSR have returned home.

44. The Commission has been informed that, as a result of negotiations initiated by the Central People's Government of the People's Republic of China and carried out by the Chinese and Japanese Red Cross Societies together with certain other Japanese private organizations, some 23,000 Japanese nationals—civilians, former military personnel and Red Cross nurses—have been repatriated. The Commission has been informed also that the process of repatriation is continuing. The Commission notes with appreciation the action of the Central People's Government of the People's Republic of China and hopes that the movement of repatriation will be continued until all

Japanese nationals who wish to return home are given the opportunity of doing so.

45. At the time of the submission of the present progress report the situation with which the Commission has been dealing may be summed up as follows :

In sectors where the full co-operation of governments has been given, the problem of prisoners of war no longer exists.

In sectors where that co-operation has been withheld, the problem remains in its entirety.

The Commission therefore attaches the greatest importance to the questions addressed to governments concerning :

(a) Those prisoners of war who have died while in captivity: such information should include the names of the deceased, the date and cause of death and the manner and place of burial ;

(b) Those prisoners of war still detained whose status has been changed to that of war criminals: the request for detailed information concerning such persons is set forth in the Chairman's letter of 18 April 1952 (see paragraph 14) that was addressed to all governments still detaining prisoners in connexion with war crimes.

DOCUMENT A/C.3/L.396 and Add.1²⁰

Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba,²⁰ Mexico²⁰ and Peru: draft resolution

[Original text: Spanish and English]
[25 November 1953]

The Third Committee,

Decides that a representative of the Government of the Federal Republic of Germany and the permanent observers of Italy and Japan to the United Nations be invited to state the views of their governments during the debate on the item "Measures for the peaceful solution of the problem of prisoners of war".

²⁰ Cuba and Mexico were added to the list of sponsors in document A/C.3/L.396/Add.1.

DOCUMENT A/C.3/L.397

Australia, Brazil, Thailand, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

[Original text: English]
[27 November 1953]

The General Assembly,

Recalling its resolution 427 (V) of 14 December 1950 on measures for the peaceful solution of the problem of prisoners of war,

Reaffirming its belief that all prisoners having originally come within the control of the Allied Powers as a consequence of the Second World War should either have been repatriated long since or have been otherwise accounted for as required both by recognized standards of international conduct and the Geneva Convention of 1949 relative to the treatment of prisoners of war, and by specific agreements between the Allied Powers,

Having examined the progress report to the Secretary-General on the work of the *Ad Hoc* Commission on Prisoners of War,

1. *Reiterates* its grave and continuing concern at the evidence that large numbers of prisoners taken in the course of the Second World War have not yet been repatriated or otherwise accounted for ;

2. *Urgently appeals* to all governments and authorities which continue to hold prisoners of the Second World War to act in conformity with the recognized standards of international conduct and with the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should, with the least possible delay, be given an unrestricted opportunity of repatriation ;

3. *Expresses its sincere appreciation* to the *Ad Hoc* Commission for its efforts to assist in a solution of the problem of prisoners of war ; and requests the Commission to continue its efforts to assist in a solution of the problem of prisoners of war under the terms of reference contained in the General Assembly's resolution 427 (V) of 14 December 1950 ;

4. *Notes with satisfaction* that a large amount of valuable information was made available to the Commission concerning prisoners of war ; but notes with concern that certain governments and authorities men-

tioned in the report of the Commission have so far refused to co-operate with the Commission, which refusal represents the main obstacle through which the best efforts of the Commission have been frustrated ;

5. *Urgently appeals* to all governments and authorities which have not already done so to give their full co-operation to the Commission to supply the information requested by it on all prisoners of the Second World War who are still under their control and on such prisoners who have died while under their control ; and to grant

right of access to areas in which such prisoners are detained ;

6. *Requests* the Secretary-General to continue to furnish the Commission with the staff and facilities necessary for the effective accomplishment of its task ; and

7. *Requests* the Commission to report as soon as practicable the results of its further work and possible suggestions to the Secretary-General for transmission to the Members of the United Nations.

DOCUMENT A/C.3/L.397/Add.1

Financial implications of the draft resolution submitted by Australia, Brazil, Thailand, United Kingdom and United States (A/C.3/L.397) : estimate submitted by the Secretary-General

[Original text : English]
[2 December 1953]

1. In the draft resolution (A/C.3/L.397/Rev.1) the *Ad Hoc Commission on Prisoners of War* is requested to continue its efforts to assist in a solution of the problem of prisoners of war under the terms of reference contained in General Assembly resolution 427 (V) of 14 December 1950. The Secretary-General is requested to furnish the Commission with the staff and facilities necessary for the effective accomplishment of its task.

2. The *Ad Hoc Commission* held its fourth session at Geneva in August 1953, for a period of three weeks. It is therefore assumed that the Commission will meet in 1954, either at Headquarters or at Geneva, for a period of three weeks and that the workload will be at the same level as during the fourth session. On the basis of these assumptions the financial implications would be as follows for Section 1 :

(b) <i>If meeting is held at Geneva</i>		\$US
(i)	Travel and subsistence of members (\$US 1,350 for return travel of 3 members; and \$US 1,500 for subsistence for 25 days at \$US 20 per day)	2,850
(ii)	Travel and subsistence of staff (\$US 80 for return travel from the Hague of secretary of Commission Chair- man; and \$US 200 for subsistence for 25 days at \$US 8 per day. Also \$US 1,800 for return travel of 2 staff members from Headquarters; and \$US 500 for sub- sistence for 25 days at \$US 10 per day)	2,580
(iii)	Temporary assistance (Section 20)	1,200 (Sec.20)
		6,630

3. The estimated cost to the *Ad Hoc Commission* of translation and reproduction of documents would amount to \$US 2,900 if accounted for separately. This figure does not include interpretation and summary records. However, if the meeting does not take place during a peak conference period, all conference services including translation, reproduction, interpretation and summary records could be provided within the limits of the existing resources and no additional budgetary provision would be required.

4. Should the necessity arise for the Commission to meet outside New York or Geneva, this would result in additional expenses for travel and per diem of members and staff. The amount involved cannot be determined at present.

(a) *If meeting is held at Headquarters*

		\$US
(i)	Travel and subsistence of members (\$US 3,625 for return travel of 3 members; and \$US 1,875 for subsistence for 25 days at \$US 25 per day)	5,500
(ii)	Travel and subsistence of staff (\$US 830 for return travel from the Hague of secretary of Commission Chair- man; and \$US 250 for subsistence for 25 days at \$US 10 per day)	1,080
		6,580

DOCUMENT A/C.3/L.399

Iraq : amendment to the draft resolution submitted by Australia, Brazil, Thailand, United Kingdom and United States (A/C.3/L.397)

[Original text : English]
[3 December 1953]

Insert the following two paragraphs before operative paragraph 1 :

"1. *Notes with satisfaction* that some progress has taken place in the repatriation of prisoners of war in the course of the last two years ;

"2. *Expresses its sincere appreciation* to the Red Cross Societies and to those governments which are co-operating in the progress of the repatriation of prisoners of war ;"

Renumber the remaining paragraphs accordingly.

DOCUMENT A/2604

Report of the Third Committee

[Original text : English]
[4 December 1953]

1. The General Assembly, at its 435th meeting on 17 September 1953, decided to allocate to the Third Committee the agenda item "Measures for the peaceful solution of the problem of prisoners of war".

2. The Committee considered this item at its 537th to 542nd meetings, held on 30 November and 1, 2 and 3 December 1953. It had before it an explanatory memorandum submitted by the Secretary-General (A/2460) and a progress report to the Secretary-General on the work of the *Ad Hoc* Commission on Prisoners of War (A/2482 and Corr.1).

3. In notes by the Chairman (A/C.3/L.383, A/C.3/L.392 and A/C.3/L.394) the Committee was informed that requests has been received from the Governments of the Federal Republic of Germany, Italy and Japan that a representative of the Federal Republic of Germany and the permanent observers of Italy and Japan to the United Nations should be heard by the Committee when it discussed the item.

4. Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Mexico and Peru submitted a draft resolution (A./C.3/L.396 and Add.1) by which the Third Committee would invite a representative of the Government of the Federal Republic of Germany and the permanent observers of Italy and Japan to the United Nations to state the views of their governments. After a brief discussion, in which certain delegations spoke in favour and others against the proposal, the draft resolution was adopted by 48 votes to 5.

5. Statements were made by a representative of the Government of the Federal Republic of Germany and by the permanent observers of Italy and Japan to the United Nations.

6. A draft resolution was submitted by Australia, Brazil, Thailand, the United Kingdom and the United States of America (A/C.3/L.397) by which the General Assembly, recalling its resolution 427 (V) of 14 December 1950, would reiterate its grave and continuing concern at the evidence that large numbers of prisoners of the Second World War had not been repatriated or otherwise accounted for; appeal to governments still having control over such persons to give them an unrestricted opportunity of repatriation; express appreciation of the work of the *Ad Hoc* Commission on Prisoners of War and request it to continue its efforts; note with satisfaction that valuable information had been made available to the Commission, but note with concern the refusal of certain governments to co-operate with it; urgently appeal to all governments and authorities which had not already done so to give their full co-operation to the Commission and to grant right of access to areas in which prisoners of war were detained; and request the Commission to report the results of its further work and possible suggestions to the Secretary-General for transmission to the Members of the United Nations.

7. The Byelorussian Soviet Socialist Republic submitted a draft resolution (A/C.3/L.398) stating that, by virtue of Article 107 of the Charter, the problem of prisoners of war was not within the competence of the United Nations and that the activities of the *Ad Hoc* Commission were contrary to that article, and calling for the discontinuance of the Commission.

8. The representative of Argentina requested a separate vote on the following clause in paragraph 5 of the joint draft resolution (A/C.3/L.397), "and to grant right of access to areas in which such prisoners are detained". The representative of Mexico called attention to a discrepancy in the English and French texts of this sentence. The French text read: *et pour qu'ils autorisent la Commission à se rendre dans les régions où ces prisonniers sont détenus*. He was satisfied with the meaning of the French text and proposed that the English text should be made to conform with it.

9. An amendment to the joint draft resolution was proposed by Iraq (A/C.3/L.399) calling for the addition of two new operative paragraphs by which the General Assembly would note with satisfaction that some progress had taken place in the repatriation of prisoners of war in the last two years, and express appreciation to the Red Cross Societies and governments co-operating in that progress.

10. The sponsors of the joint draft resolution agreed to incorporate a modified version of the Iraqi amendment into their text (see paragraph 1 of the operative part of the draft resolution reproduced below) and also agreed to redraft the last sentence of paragraph 5 (which became paragraph 6) in order to take into account the misgivings of the representative of Argentina and the proposals of the representative of Mexico. These changes were presented in a revised text (A/C.3/L.397/Rev.1). The representative of Iraq withdrew her amendment and the representatives of Argentina and Mexico said they were satisfied with the change in paragraph 5 of the original draft resolution.

11. The discussion was marked by clear differences of views. Representatives who supported the joint draft resolution pointed out that recognized standards of international conduct required the speedy repatriation of prisoners of war after the cessation of hostilities and full accounting for those who had died or were for any reason still detained. In support of their view they referred to certain international instruments. They deplored the fact that more than eight years after the end of the Second World War a large number of prisoners of war had not been repatriated or otherwise accounted for by certain countries and stressed the necessity of maintaining international interest in the problem of prisoners of war. They expressed appreciation of the work of the *Ad Hoc* Commission on Prisoners of War and hoped that it would be continued until the problem of prisoners of war was completely solved. Some representatives expressed the hope that all governments would co-operate in this humanitarian task and so contribute to the lessening of international tension.

12. Other representatives maintained that the problem of prisoners of war no longer existed, since all prisoners had been repatriated except those convicted of, or under investigation for, war crimes. They stated that the figures presented by the representative of the Federal Republic of Germany and the observers of Italy and Japan and by certain representatives, and referred to in the report of the *Ad Hoc* Commission (A/2482 and Corr.1), were based on unfounded assumptions.

13. In support of the draft resolution submitted by the Byelorussian SSR, certain representatives contended that the problem of prisoners of war was beyond the competence of the United Nations and that its inclusion in the agenda was contrary to the letter and spirit of Article 107 of the Charter. They pointed out that the artificial maintenance of the problem of prisoners of war and the continuation in existence of the *Ad Hoc* Commission did not serve the cause of peaceful relations, but contributed to international tension.

14. Representatives of other countries expressed the opinion that, under the Charter of the United Nations, the General Assembly was competent to deal with the problem of prisoners of war, since it was purely humanitarian and should be solved peacefully and by purely humanitarian efforts.

15. Other representatives said that they were also deeply concerned with the problem of prisoners of war but doubted that the continuation of the *Ad Hoc* Commission presented an effective method for its solution. They expressed the hope that new ways and means might be found for the solution of the problem since the Commission might not be able to enlist the co-operation of all governments.

16. At the request of the representative of Saudi Arabia, a separate vote was taken on paragraph 1 of the operative part of the revised joint draft resolution (A/C.3/L.397/Rev.1). The paragraph was adopted by 48 votes to none, with 6 abstentions.

17. The revised joint draft resolution (A/C.3/L.397/Rev.1) as a whole was adopted by a roll-call vote of 44 to 5, with 5 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Iceland, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Egypt, Ethiopia, India, Saudi Arabia.

18. The Chairman stated that under rule 130 of the rules of procedure of the General Assembly, he did not intend to put to the vote the draft resolution of the Byelorussian SSR (A/C.3/L.398), since it was in direct contradiction to the draft resolution just adopted. The representative of the USSR was of the opinion that the Committee should vote on the Byelorussian draft resolution. The Committee decided, however, by 21 votes to 11, with 16 abstentions, that the Byelorussian draft resolution should not be put to the vote.

Recommendation of the Third Committee

19. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

MEASURES FOR THE PEACEFUL SOLUTION OF THE PROBLEM OF PRISONERS OF WAR

The General Assembly,

Recalling its resolution 427 (V) of 14 December 1950 on measures for the peaceful solution of the problem of prisoners of war,

Reaffirming its belief that all prisoners having originally come within the control of the Allied Powers as a consequence of the Second World War should either have been repatriated long since or have been otherwise accounted for as required both by recognized standards of international conduct and the Geneva Convention of 1949 relative to the Treatment of Prisoners of War, and by specific agreements between the Allied Powers,

Having examined the progress report to the Secretary-General on the work of the *Ad Hoc* Commission on Prisoners of War (A/2482 and Corr.1),

1. *Notes with satisfaction* that some progress has taken place in the repatriation of prisoners of war in the course of the last two years, and expresses the hope that those governments and Red Cross Societies which have contributed to that progress will continue their efforts;

2. *Reiterates* its grave and continuing concern at the evidence that large numbers of prisoners taken in the course of the Second World War have not yet been repatriated or otherwise accounted for;

3. *Urgently appeals* to all governments and authorities which continue to hold prisoners of the Second World War to act in conformity with the recognized standards of international conduct and with the above-mentioned international agreements and the Geneva Convention of 1949 which require that, upon the cessation of active hostilities, all prisoners should, with the least possible delay, be given an unrestricted opportunity of repatriation;

4. *Expresses its sincere appreciation* to the *Ad Hoc* Commission on Prisoners of War for its efforts to assist in a solution of the problem of prisoners of war; and requests the Commission to continue its efforts to assist in a solution of the problem of prisoners of war under the terms of reference contained in General Assembly resolution 427 (V) of 14 December 1950;

5. *Notes with satisfaction* that a large amount of valuable information was made available to the *Ad Hoc* Commission concerning prisoners of war; but notes with concern that certain governments and authorities mentioned in the report of the Commission have so far refused to co-operate with the Commission, which refusal represents the main obstacle through which the best efforts of the Commission have been frustrated;

6. *Urgently appeals* to all governments and authorities which have not already done so to give their full co-operation to the *Ad Hoc* Commission to supply the information requested by it on all prisoners of the Second World War who are still under their control and on such prisoners who have died while under their control; and to grant the Commission access to areas in which such prisoners are detained;

7. *Requests* the Secretary-General to continue to furnish the *Ad Hoc* Commission with the staff and facilities necessary for the effective accomplishment of its task;

8. *Requests* the *Ad Hoc* Commission to report as soon as practicable the results of its further work and possible suggestions to the Secretary-General for transmission to the Members of the United Nations.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 468th plenary meeting, on 7 December 1953, the General Assembly adopted the draft resolution submitted by the Third Committee (see preceding page). For the final text, see resolution 741 (VIII).

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A/AC.46/10	Report of the <i>Ad Hoc</i> Commission on Prisoners of War		Mimeographed document only
A/C.3/L.383	Note by the Chairman		Ditto
A/C.3/L.392	Note by the Chairman		Ditto
A/C.3/L.394	Note by the Chairman		Ditto
A/C.3/L.396 and Add.1	Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Mexico and Peru: draft resolution	10	
A/C.3/L.397	Australia, Brazil, Thailand, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	10	
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A/C.3/L.398	Byelorussian Soviet Socialist Republic: draft resolution		Incorporated in the record of the 537th meeting of the Third Committee, para. 42
A/C.3/L.399	Iraq: amendment to the draft resolution submitted by Australia, Brazil, Thailand, United Kingdom and United States (A/C.3/L.397)	11	
A/C.5/575	Financial implications of the draft resolution adopted by the Third Committee (A/C.3/L.397/Rev.1): estimate submitted by the Secretary-General		Mimeographed document only. Substantially the same text as A/C.3/L.397/Add.1
A/L.171	Byelorussian Soviet Socialist Republic: draft resolution		Same text as A/C.3/L.398
A/RESOLUTION/167	Resolution adopted by the General Assembly at its 468th plenary meeting on 7 December 1953		<i>Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 741 (VIII)</i>

**GENERAL
ASSEMBLY***Official Records***ANNEXES****EIGHTH SESSION**

HEADQUARTERS, NEW YORK, 1953

Agenda item 58: Publication of documents concerning the drafting and application of the Charter**Agenda item 70: Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter****Agenda item 72: Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States****CONTENTS**

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Publication of documents concerning the drafting and application of the Charter

DOCUMENT A/2415

Argentina: proposal for the inclusion of an item in the provisional agenda of the eighth session

[Original text: Spanish]
[15 July 1953]

New York, 13 July 1953

I have the honour to inform the Secretary-General that I have received instructions from my Government to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly:

“Publication of documents concerning the drafting and application of the Charter.”

In pursuance of rules 12 and 13 of the rules of procedure of the General Assembly (A/520/Rev.2), I therefore request the Secretary-General to include the above item in the agenda of the next session of the General Assembly.

The explanatory memorandum required under rule 20 of the rules of procedure is attached.

(Signed) Enrique FERRER VIEYRA,
Acting Chargé d'Affaires.

EXPLANATORY MEMORANDUM

1. In proposing the inclusion in the agenda of the eighth session of the General Assembly of the item “Publication of documents concerning the drafting and application of the Charter”, the Government of Argentina has been guided by the basic principle that all work done by the United Nations must conform to the provisions contained in the Charter.

2. In that connexion, some provisions of the Charter have sometimes given rise to varying interpretations, which has made it necessary to refer to the preparatory work. It is likewise very important to know the interpretation given and practice followed by the various organs of the United Nations in applying the provisions in question. In that connexion various difficulties are often encountered, the main ones being as follows:

(a) Part of the official documents of the San Francisco Conference are not in practice available for consultation—for instance, the summary records of the Co-ordination Committee. Without reference to those documents it is impossible to acquire a complete knowledge of the process of the drafting of the Charter. Moreover, as far as the Argentine delegation is aware, there are only two sets of the documents in question in the possession of the United Nations, one in the archives and the other in the Library. It is easy therefore to understand the difficulties encountered in consulting them.

(b) Experience has shown that it is often difficult to trace the history of certain articles through the various stages of their drafting by the different sub-committees and committees of the Conference. The documentation is so voluminous that it would take a very long time to do so without a complete index covering all the committees and sub-committees. The compilation of a subject index would be very helpful to governments and delegations.

(c) Even when all the San Francisco documents on a certain subject are to hand, it is a very lengthy task to trace the history of the drafting of the passage concerned, and a legislative history of the Charter, based exclusively on the official documents and written objectively and without comment, would therefore be of the greatest value to governments.

(d) In the seven years that the United Nations has been in existence, a number of its organs have acquired extensive experience in applying the provisions of the Charter and in so doing have created precedents. In view of the multiplicity of the documents, it is difficult to obtain an adequate knowledge of the practice thus established. A repertory of the practice of United Nations organs on selected subjects, based exclusively on official documents and written objectively and without comment, would be most useful.

3. In order to eliminate the difficulties indicated above, the Argentine Government proposes that the Secretary-General be given the necessary means to prepare and publish: (a) a systematic compilation of the documents of the San Francisco Conference not yet published; (b) a complete index of all the documents of the San Francisco Conference; (c) a systematic and comprehensive study of the legislative history of the Charter; and (d) a repertory of the practice followed by the main organs of the United Nations on given subjects.

4. The Argentine delegation hopes that the General Committee of the Assembly will consider favourably its Government's proposal for the inclusion of the item in the agenda of the eighth session of the General Assembly.

5. The Argentine delegation likewise hopes that all the delegations to the General Assembly, which no doubt have had similar difficulties in studying the provisions of the Charter, will support the proposal for the publications requested, believing that that will facilitate a better knowledge of the Charter.

DOCUMENT A/2415/Add.1**Argentina : draft resolution**

[Original text : Spanish]
[15 September 1953]

The General Assembly,

Considering that one of the best methods of acquiring knowledge of the Charter is to study its legislative history and the practice followed by the various organs of the United Nations in applying it,

Considering that the study of the legislative history of the Charter and of the practice followed in applying it can be carried out by the United Nations Secretariat on the basis of the official documents,

Requests the Secretary-General to arrange to publish, before the end of 1954 :

1. A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

2. A complete index of all the documents of that Conference ;

3. A systematic and comprehensive study of the legislative history of the Charter ;

4. A repertory of various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise.

**Preparatory work with regard to the possible holding of a General Conference
of the Members of the United Nations in accordance with
Article 109 of the Charter**

DOCUMENT A/2442

Netherlands : request for the inclusion of an additional item in the agenda of the eighth session

[Original text : English]
[18 August 1953]

New York, 16 August 1953

I have the honour, upon instructions received from my Government, to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly, in accordance with rule 14 of the rules of procedure of the General Assembly :

"Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter".

An explanatory memorandum as required under rule 20 of the rules of procedure is attached.

(Signed) D. J. VON BALLUSECK

EXPLANATORY MEMORANDUM

1. In proposing the inclusion in the agenda of the eighth session of the General Assembly of the item mentioned in the above letter, the Netherlands Government has in mind the provisions of Article 109 of the Charter of the United Nations.

2. Under paragraph 3 of Article 109 a proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter shall be placed on the agenda of the tenth annual session of the General Assembly, if such a conference has not been held before that session.

3. In the view of the Netherlands Government the examination by the tenth annual session of the question of a General Conference could be facilitated by pre-

paratory work to be undertaken by the Secretary-General and by individual Member States.

4. This preparatory work could in the first place consist of a compilation or repertory of the jurisprudence of the United Nations. The preparation and publication of such documentation should be entrusted to the Secretary-General. For this purpose funds should be made available if necessary.

5. The Netherlands Government believes that the study envisaged in paragraph 3 (d) of the explanatory memorandum to the new item proposed by the Government of Argentina (A/2415) could at the same time cover the preparatory work mentioned in paragraph 4 of the Netherlands memorandum, if it were undertaken with due regard to Article 109 of the Charter.

6. Furthermore, the new item proposed by the Netherlands Government envisages the possibility of an invitation to Member States to give their preliminary views with regard to the possible revision of the Charter and to submit tentative proposals and suggestions.

7. The item submitted by the Netherlands Government could therefore lead to :

(a) The preparation by the Secretary-General of the study envisaged in paragraph 3 of the explanatory memorandum to the item proposed by the Government of Argentina (A/2415), with due regard to Article 109 of the Charter ;

(b) An invitation to Member States to submit, prior to the tenth annual session, their preliminary views with regard to the possible revision of the Charter and tentative proposals and suggestions.

**Amendment of the Charter : election of a technical committee
to study and report on the amendment of the Charter on the basis
of proposals to be submitted by Member States**

DOCUMENT A/2466

Egypt: request for the inclusion of an additional item in the agenda of the eighth session

[Original text : English]

[10 September 1953]

New York, 9 September 1953

I have the honour, upon instructions received from my Government, to propose the inclusion of the following item in the provisional agenda of the eighth session of the General Assembly in accordance with rule 14 of the rules of procedure of the General Assembly :

“Amendment of the Charter : election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States.”

An explanatory note as required under rule 20 of the rules of procedure will follow.

(Signed) Ahmed Galal Eldine ABDELRAZEK,
Permanent representative of
Egypt to the United Nations.

DOCUMENT A/2466/Add.1

Egypt: Explanatory memorandum

[Original text : English]

[15 September 1953]

The United Nations Charter needs revision. It was drafted under special international circumstances which do not now prevail. Some of its basic provisions have become outdated, some others have not been implemented and many ought to be reviewed in the light of the experience acquired.

According to Article 109, paragraph 3, a proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter shall be placed on the agenda of the tenth annual session of the General Assembly. Obviously, the revision of the Charter is a delicate problem involving important political issues and considerations. It cannot properly be done unless the preliminary work is prepared with foresight, care and skilful technical knowledge. Views

of the governments of Member States and non-governmental bodies should be taken into account, analysed and co-ordinated so as to create the necessary proper atmosphere for the success of the coming General Conference and to facilitate the ratification of the amendments to be introduced.

The Egyptian delegation believes that it is advisable to elect a technical committee of Member States to prepare such work. This proposal is complementary to those of the Netherlands (A/2442) and Argentina (A/2415) and the proposals of the three States could be easily linked together.

The Egyptian delegation has the honour to propose the inclusion of this item in the agenda of the eighth regular session of the United Nations General Assembly.

**Publication of documents concerning the drafting and application of the Charter
Preparatory work with regard to the possible holding of a General Conference of the
Members of the United Nations in accordance with Article 109 of the Charter**

DOCUMENT A/C.6/343

Memorandum by the Secretary-General

[Original text: English]
[16 October 1953]

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INTRODUCTION

1. The Secretary-General has the honour to refer to the explanatory memorandum (A/2415) and the draft resolution (A/2415/Add.1) submitted by Argentina and to the explanatory memorandum (A/2442) submitted by the Netherlands in connexion respectively with items 58 and 70 of the agenda of the General Assembly, which propose that the Secretary-General be given the necessary means to prepare and publish:

(a) A systematic compilation of the documents of the San Francisco Conference not yet published;

(b) A complete index of all the documents of the San Francisco Conference;

(c) A systematic and comprehensive study of the legislative history of the Charter; and

(d) A repertory of the practice followed by the main organs of the United Nations on given subjects.

2. In connexion with the above, the Secretary-General submits herewith some observations for the information of the General Assembly. The four parts of this memorandum relate to and follow the order of the four points which make up the Argentine proposal.

PART I

Publication of Official Records of San Francisco Conference

3. In paragraph 2 (a) of the explanatory memorandum of Argentina (A/2415) it is stated that some of the official documents of the San Francisco Conference, including the records of the Co-ordination Committee, are not easily available for consultation. In paragraph 3 (a) of the memorandum the proposal is made that the Secretary-General be given the necessary means to prepare and publish a systematic compilation of the documents not yet published.

4. In order to assist the General Assembly in arriving at a decision on this question, the Secretary-General presents below a brief description of the official records of the San Francisco Conference and of the most comprehensive published collection of those records in existence, together with a statement of some of the problems which would have to be taken into consideration should the General Assembly decide to publish the documents referred to in the Argentine proposal.

A. Scope of Conference documents

5. The official records of the United Nations Conference on International Organization included a *Journal*, agendas for the various meetings, minutes of those meetings, working documents and reports.

6. Verbatim minutes were prepared for the meetings of the Plenary Conference and the Commissions of the Conference,¹ while summarized minutes only, or "summary reports," were issued for meetings of other organs² of the Conference.

7. The summary reports of the meetings of the Advisory Committee of Jurists were issued as working documents of the Co-ordination Committee,³ although the former was in no way subordinate to the Co-ordination Committee, but functioned to review—from the point of view of terminology—the texts prepared by the latter, and eventually reviewed the text of the whole draft Charter.

8. Verbatim minutes of Committee discussions were also taken, but only in typewritten form. These verbatim minutes were available to the Secretariat and to delegates for consultation only. However, those minutes which presented no guarantees of accuracy were not considered part of the official records of the Conference and were never released for publication.

9. All the documents, with the exception of the *Journal*, which was printed, were issued in mimeographed or photo-offset form. With few exceptions all documents were issued in English; most of them also appeared in French, some in Russian and Spanish and a few in Chinese.

B. UNIO publication of Conference documents

10. Before the close of the San Francisco Conference, arrangements were made by the United Nations Information Organization (UNIO), in collaboration with the Library of Congress, for the publication of the unrestricted documentation. As a result, a set of these documents was published,⁴ comprising fifteen volumes together with a sixteenth index volume issued in 1946, reproduced in photo-offset form.

11. One thousand sets were originally printed for the United Nations Information Organization. The entire issue was destined for sale only, and no free distribution was made to Members of the United Nations. When UNIO transferred its activities to the United Nations, a remaining stock of 390 sets were transferred to the United Nations, of which 150 are still available.

C. Documents not included in the UNIO edition

12. The UNIO edition is the most comprehensive existing published compilation of the documents of the San Francisco Conference. However, certain documents were not included in that publication, namely:

(a) The documents of the Co-ordination Committee, and

¹ Commission I (General provisions), Commission II (General Assembly), Commission III (Security Council), Commission IV (Judicial Organization).

² The General Committees—Steering, Executive, Co-ordination, and Credentials—the Advisory Committee of Jurists, and the twelve Technical Committees.

³ Accordingly, all references in this memorandum to documents of the Co-ordination Committee include the summary reports of the Advisory Committee of Jurists.

⁴ *Documents of the United Nations Conference on International Organization*. Michigan: Edwards Brothers, Inc., 1945.

(b) The verbatim minutes of the discussions of the Committees.

13. With regard to the documents of the Co-ordination Committee, restrictions against the publication of those documents existed at the time of the publication of the UNIO sets. Since those restrictions were lifted only in 1947,⁵ the Co-ordination Committee documents were not included in that publication, with the exception of some (amounting to 261 pages) which were included in volume 15 of the UNIO edition.

14. As regards the verbatim minutes of the Committee discussions, it has already been pointed out above (paragraph 8) that those minutes were not part of the official records of the Conference.

15. It is assumed, therefore, that the explanatory memorandum submitted by Argentina (A/2415) proposes the publication of the documents of the Co-ordination Committee. For reasons already given above, it is further assumed that the publication of the verbatim minutes of that Committee or of the other Committees of the Conference is not contemplated.

D. Problems and financial implications involved in the publication of Co-ordination Committee documents

16. Should it be decided to publish only the documents of the Co-ordination Committee, it may be anticipated that these documents could be contained in two new published volumes. Certain problems will have to be resolved in deciding on their publication, namely:

(a) The languages of publication, and

(b) Whether to publish the Co-ordination Committee documents which have already been published by UNIO.

17. With regard to the first problem, it may be noted that 316 pages of the Co-ordination Committee documents have not been translated into French. Consideration should therefore be given to the question of the completion of the French translation. Some additional workload for the Secretariat would be involved, but it is expected that if sufficient time is provided this could be absorbed by the services concerned without disruption of their other activities.

18. With respect to the second problem, it would appear that in order to make the two new volumes self-contained the Co-ordination Committee papers which have already been published in volume 15 of the UNIO sets should be reproduced as appropriate in the suggested new volumes.

19. The estimated printing costs would depend upon the decision as regards the above problems and would vary as follows:

	600 sets US \$	1,000 sets US \$
(a) Publication of documents in language of submission without additional translation (1,624 pages)	5,600	6,000
(b) Publication of documents with additional translation (1,940 pages)	6,000	6,250
(c) Publication of documents as in (a) above, together with reprinting of relevant parts of volume 15 of UNIO set (1,885 pages)	6,000	6,250

⁵ The question of lifting those restrictions was left by the Conference to the Preparatory Commission for the United Nations. The latter, however, did not act upon the recommendation. In 1946, the Secretary of State of the United States transmitted the Co-ordination Committee documents to the Secretary-General of the United Nations, together with a note referring to the latter the question of removing the restrictions against their publication. In 1947, the Secretary-General lifted those restrictions.

	600 sets US \$	1,000 sets US \$
(d) Publication of documents as in (b) above, together with reprinting of relevant parts of volume 15 of UNIO set (2,201 pages)	6,400	6,600

20. The estimated revenue would depend upon the following distribution arrangements:

	US \$
(a) Two volumes containing only documents not yet published:	
(i) Restricted free official distribution (estimated sale of 250 copies of each volume)	2,500
(ii) Unrestricted free official distribution (estimated sale of 125 copies of each volume)	1,250
(b) Two volumes containing documents published in volume 15 of UNIO edition together with documents not yet published:	
(i) Restricted free official distribution (estimated sale of 500 copies of each volume)	5,000
(ii) Unrestricted free official distribution (estimated sale of 300 copies of each volume)	3,000

PART II

Index of Documents of the San Francisco Conference

21. Paragraph 2 (b) of the explanatory memorandum submitted by the Government of Argentina (A/2415) refers to the voluminous documentation of the San Francisco Conference and to the difficulty which exists at present in tracing the history of certain articles of the Charter through the various stages of their drafting by the organs of the Conference. In paragraph 3 (b) of the memorandum the Government of Argentina proposes that the Secretary-General be given the necessary means to prepare and publish a complete index of all the documents of the Conference.

22. The index to the fifteen-volume set published by the United Nations Information Organization, which is only a page-index, does not present a chronological development of the Charter texts, which is called for by the Argentine proposal, nor does it refer to the summary reports of the Co-ordination Committee, which have not been published up to the present.

A. *Form and contents*

23. The Secretariat has examined the possibility of preparing a chronological and synoptical index of the documentation of the Conference which would also cover such documents of the Conference as the General Assembly may decide to publish. Such a comprehensive index volume would consist of two parts.

24. Part A would be an index to the legislative history of the Charter. Each article or, when appropriate, each significant paragraph of an article would be traced chronologically through the various organs of the Conference until its final adoption in plenary session. A reference to the relevant proposals, amendments and other documents would be included.

25. An analytical subject index would follow immediately after each such article or paragraph. The more significant subjects dealt with by these provisions would be brought out by references to the meetings at which the discussion took place and to the delegations which participated in the discussion.

26. Part B would be an alphabetical key to specific subjects with reference to the appropriate articles indexed in part A. This key would also include references to the matters not pertinent to individual articles of the Charter but to the Conference in general, such as the composition of committees and the rules of procedure.

27. The following tables could be added to these two parts of the index:

(a) A table of meetings, showing the number and the date at which the meetings were held and the relevant document symbol.

(b) Check lists of documents, in straight numerical sequence and by document symbol, giving a brief title for each document.

(c) A table of correspondence between the articles of the Dumbarton Oaks proposals and the United Nations Charter.

28. As an example of the indexing which is proposed, one paragraph of an article of the Charter (paragraph 7 of Article 2) has been traced through the published documents as well as through the documents not yet published of the Co-ordination Committee and of the Advisory Committee of Jurists. It should be noted that although care has been taken to include all relevant data, absolute completeness is not claimed. Such completeness can be assured only after all the documents of the Conference have been indexed. It should also be noted that no references are made to the verbatim records, but that such material could be incorporated if it were decided to publish these records as well.

B. *Financial implications*

29. In the absence of precise information as to the bulk of the documentation to be published it is very difficult to make accurate estimates of the cost of the index, as described above. The preparation of an English or French index only would require one month of the time of an indexer experienced in United Nations documentation for each volume of the size and format of the fifteen UNIO volumes. Thus, if the documents of the Co-ordination Committee only were published in two volumes supplementing the existing fifteen, approximately seventeen man-months would be required to index the seventeen volumes. If the verbatim records or other related documents were also published, the work of indexing them would increase accordingly, i.e., at the rate of about one additional man-month per volume of documents published.

30. To prepare both English and French indexes according to the same plan would require about one and a half man-months per volume of documents.

31. Clerical assistance at the intermediate level in proof-reading and typing would amount to about eight man-months for the English and French index only, or about thirteen man-months for an index in the two languages.

32. It is expected that temporary assistance funds would be required only for replacement of the indexer during the period of his assignment. The salary cost involved would be \$5,750 for twelve man-months or about \$12,500 for the maximum estimated period of twenty-five months.

33. Additional expenditure would have to be incurred for printing of the index. The amount would depend on the number of pages, typography and format of one volume. It is unlikely, however, that the printing costs would be less than \$10,000.

C. *Example of index proposed*

A

Index to Legislative History

NOTE: Numerals in parentheses refer to volumes and pages of the published set of documents.

CHARTER: ARTICLE 2 (7)

- Dumbarton Oaks Proposals. Chap. VIII, sect. A, para. 7.
Doc. 1, G/1 (III, 1-23):
Amendments, comments and proposals:
Colombia. Doc. 2, G/14(s) (III, 588)
Czechoslovakia. Doc. 2, G/14(b) (III, 467)
Greece. Doc. 2, G/14(h) (III, 533)
Liberia. Doc. 2, G/14(a) (III, 464)
Mexico. Doc. 2, G/7(c) (III, 65-69)
USA, United Kingdom, USSR, China (Four sponsoring Governments). Doc. 2, G/29 (III, 623).

STEERING COMMITTEE

Documents:

- Informal memorandum on possible organization of the Conference. (V, 9).
Report. Doc. 32, DC/7, 27 April 1945. (V, 116).
Informal memorandum on possible organization of Conference approved.
Report. Doc. 31, DC/6, 27 April 1945. (V, 126).
Article allocated to Commission I.

PLENARY SESSIONS

Action:

- 5th meeting, 30 April 1945. Doc. 42, P/10. (I, 359).
Allocation of article to Commission I approved.

COMMISSION I, TECHNICAL COMMITTEE 1

- Documentation for meetings of Committee I/1.
Doc. 215, I/1/10. (VI, 525-571).
Proposals:
Australia. Doc. 969, I/1/39. (VI, 436).
Belgium. Doc. 914, I/1/A/20. (VI, 691).
Norway. Doc. 929, I/1/37. (VI, 430).
Discussion:
8th meeting, 17 May 1945. Doc. 423, I/1/20. (VI, 310).
Referred to Sub-Committee A. (VI, 312).

SUB-COMMITTEE A

Documents:

- Text of Chapter II. Doc. 656, I/1/A/16. (VI, 688).
Report. Doc. 739, I/1/A/19(a) (VI, 723).
Discussion:
15th meeting, 11 June 1945. Doc. 926, I/1/36. (VI, 424).
16th meeting, 13 June 1945. Doc. 976, I/1/40. (VI, 494-499).
17th meeting, 14 June 1945, Doc. 1019, I/1/42. (VI 507-513).
Report of Sub-Committee A adopted.
Report (Addendum to appendix to Rapporteur's report) Doc. 994, I/1/34(1)(c). (VI, 485).
Report (Supplement to report of Rapporteur) Doc. 1070, I/1/34(1)(d). (VI, 486-489).

CO-ORDINATION COMMITTEE

Discussion:

- 22nd meeting, 15 June 1945. WD 410, CO/170. (Vol.—, p.—*).

ADVISORY COMMITTEE OF JURISTS

Discussion:

- 15th meeting, 18 June 1945. WD 405, CO/157. (Vol.—, p.—*).

COMMISSION I

Discussion:

- 2nd meeting, 15 June 1945. Doc. 1123, I/8. (VI, 83).
3rd meeting, 19 June 1945. Doc. 1167, I/10. (VI, 108-113).
Report. Doc. 1142, I/9. (VI, 231), Doc. 1179, I/9(1), (VI, 247).
CO-ORDINATION COMMITTEE AND ADVISORY COMMITTEE OF JURISTS

Documents:

- Tentative drafts [of the Charter] of the Co-ordination Committee and the Advisory Committee of Jurists. Doc. 1033, CO/141(1), 21 June 1945. (XV, 56).
Draft Charter as finally approved in English by both the Co-ordination Committee and the Advisory Committee of Jurists on 22 June 1945. Doc. 1159, CO/181, 23 June 1945. (XV, 173).

Action:

- Complete text of Charter agreed upon at 22nd meeting of the Advisory Committee of Jurists, 22 June 1945. WD 423, CO/187. (Vol.—, p.—*).

STEERING COMMITTEE

Action:

- 11th meeting, 23 June 1945. Doc. 1213, ST/23 (V, 311).
Draft Charter approved.

PLENARY SESSIONS

Action:

- 9th meeting, 25 June 1945. Doc. 1210, P/20 (I, 631).
Charter approved. Text (XI, 335-553).

Analytical Subject Index

COMPARISON WITH LEAGUE OF NATIONS COVENANT

- Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Peru; VI, 496, Uruguay; VI, 498, Norway); 17th meeting, 14 June 1945. (VI, 507, USA; VI, 510, Belgium).
Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 109, Uruguay; VI, 111, Belgium).

DOMESTIC JURISDICTION: MEANING

- Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 496, Argentina, Uruguay); 17th meeting, 14 June 1945. (VI, 508, USA; VI, 509, Greece, Peru; VI, 511, Belgium).
Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 109-110, Uruguay).

"ESSENTIALLY WITHIN THE DOMESTIC JURISDICTION"

- Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Peru); 17th meeting, 14 June 1945. (VI, 511, Belgium; VI, 511-512, Australia).

EXCEPTIONS IN ENFORCEMENT MEASURES

- Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 497, China).

INTERNATIONAL COURT OF JUSTICE: JURISDICTION

- Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Greece); 17th meeting, 14 June 1945. (VI, 508, USA; VI, 509, Greece, USA; VI, 510, Czechoslovakia; VI, 511, Australia; VI, 512, Peru).
Discussion in Commission I: 3rd meeting, 19 June 1945. (VI, 112, Belgium).

INTERVENTION: MEANING

- Discussion in Committee I/1: 16th meeting, 13 June 1945. (VI, 495, Mexico).

RELATION TO OTHER CHARTER PROVISIONS

- Chapter I, Article 2(5): Discussion in Committee I/1: 17th meeting, 14 June 1945. (VI, 509, USA).
Chapter VII: Discussion in Committee I/1: 15th meeting, 12 June 1945. (VI, 424, Australia). 16th meeting, 13 June 1945. (VI, 497, China).
Chapter X: Discussion in Committee I/1: 17th meeting, 14 June 1945. (VI, 507, 508, USA; VI, 510, Belgium).

B

Alphabetical subject key

- Domestic jurisdiction: *See under* Charter. Art. 2 (7)
Dumbarton Oaks Proposals:
arrangement for discussion. XV, 14-18
comments and proposed amendments. III, 24-636
guide. III, 637-710
text. III, 637-710
"Essentially within the domestic jurisdiction": *See under* Charter. Art. 2 (7)
Enforcement measures:
exceptions: *See under* Charter. Art. 2 (7)
International Court of Justice:
jurisdiction:
and domestic jurisdiction: *See under* Charter. Art. 2 (7)
Intervention: *See under* Charter. Art. 2 (7)
League of Nations:
Covenant:
and domestic jurisdiction: *See under* Charter. Art. 2 (7)
Non-intervention: *See under* Charter. Art. 2 (7)
United Nations Conference on International Organization:
Advisory Committee of Jurists:
functions. II, 591; V, 317; XV, 6
Advisory Committee on Languages:
establishment. II, 625-626
functions. II, 593-595
Agenda. V, 117-118
Commission I (General provisions)
members. XV, 581-583, 641-649
officers. VI, 3-4, 9
procedure. VIII, 6, 7
report. VIII, 249-256
revision. VIII, 265-272

Committee I/1 :

documents used. VI, 525-641
 officers. VI, 3-4, 9, 263
 procedure. VI, 268-269, 281, 297, 333, 342-343
 rapporteur's report to Commission I. VI, 387-401, 446-460
 addendum. VI, 483, 485
 appendix. VI, 402-404, 461-463
 supplement. VI, 486-489
 Sub-Committee I/1/A :
 composition. VI, 696
 rapporteur's report. VI, 696-707, 717-723
 terms of reference. V, 126 ; VI, 269-270.

PART III

A Systematic and Comprehensive Study of the Legislative History of the Charter

34. Under paragraph 3 (c) of its explanatory memorandum (A/2415), the Government of Argentina envisaged the publication by the Secretary-General of "a systematic and comprehensive study of the legislative history of the Charter". The Secretariat has, for some time, been making an effort to compile a legislative history of the Charter and has made some modest progress in that work. Recently, however, the project had to be deferred in order to give priority to another, namely, that of the preparation of a *répertoire* of the practices of the United Nations under the Charter, referred to in Part IV below, the existing resources of the Secretariat being insufficient for both projects to be undertaken at the same time.

A. *Form and content*

35. A legislative history of the Charter might take either of the following two forms. First, it might be a self-contained legislative history, including therein all material in the official records of the San Francisco Conference. This would present a complete account of the various stages of deliberations on all the main issues and would obviate the necessity of the reader's consulting the records of the Conference. On the other hand, such a work would assume voluminous proportions, amounting to a rearrangement, albeit with some abbreviations, of all the official records, and it may well be that not all of the material thus included would be of interest to the delegations. It is estimated that such a work would require a team of some ten officers for approximately one and a half years. Assuming that the average length of the legislative history of an article is 50 pages, the finished work on the whole Charter would become a document of some 5,500 typewritten pages.

36. Alternatively, a legislative history of the Charter might take a less complete form: it might give a briefer summary of the various stages of the deliberations at San Francisco, omitting reference to issues which had no direct bearing upon the evolution of a given provision of the Charter and citing less extensively statements of delegates. Such a work would be more concise and more readable. On the other hand, it would not present a self-contained legislative history and the reader might, on occasion, still find it necessary to resort to the San Francisco records. It is estimated that a work of such reduced proportions would require a team of officers approximately of the same size as that required for the more complete form stated in the preceding paragraph. The finished work, however, would be more concise, amounting to probably some 2,500 typewritten pages.

B. *Financial implications*

37. The preparation and publication of the proposed legislative history of the Charter, having the form and content outlined in paragraphs 35 and 36 above, would involve additional expenditure both for temporary staff and for printing. While the direction of the project would be undertaken by existing senior staff and several

research assistants would, as a priority matter, be detailed to the project from work elsewhere in the Secretariat, it is nevertheless probable that an expenditure for temporary assistance would be required.

For the present it is assumed that extra funds of about \$28,750 for 1954 and \$14,375 for the first half of 1955 would be needed. This would allow for the recruitment of five research assistants at the associate officer level for a period of one and a half years. Printing of the proposed legislative history would entail the following estimated costs :

	US \$
(i) Self-contained legislative history (English only, 5,500 typewritten pages) ..	30,000
(ii) Summarized legislative history (English only, 2,500 typewritten pages) ..	16,000

38. At the present time it is not possible to estimate the revenue which would be derived from either of the above-mentioned publications, but it is believed that such revenue would be negligible.

C. *A comprehensive index in lieu of legislative history*

39. In the event that the General Assembly does not wish to incur the additional expenditures necessary for the publication of a legislative history of the Charter, as estimated above, it may be that one main purpose of publishing a legislative history might be achieved by the preparation and publication of the comprehensive index volume described in part II above. Such an index would enable a reader to find the relevant documents of the San Francisco Conference and to trace the history of the drafting of a provision of the Charter. It would also contain, as stated above, references to specific subjects, indicating relevant documentation and discussions. All of these documents would be available if the unpublished documents of the San Francisco Conference are published as contemplated under paragraph 3 (a) of the Argentine explanatory memorandum.

PART IV

A Repertory of Practice of United Nations Organs

40. In paragraph 2 (d) of its explanatory memorandum (A/2415), the Government of Argentina noted that a number of organs of the United Nations have acquired during the last seven years an extensive experience in applying the provisions of the Charter and have established precedents in this respect. Pointing to the difficulty of obtaining an adequate knowledge of the practice so established, in view of the multiplicity of the relevant documents, the Government of Argentina states that, "A repertory of the practice of United Nations organs on selected subjects, based exclusively on official documents and written objectively and without comment, would be most useful", and proposes in paragraph 3 (d) of the memorandum that the Secretary-General should be given the necessary means to prepare and publish "a repertory of the practice followed by the main organs of the United Nations on given subjects".

41. The Netherlands Government, which proposed the inclusion in the agenda of the item entitled "Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter", states in paragraph 4 of its explanatory memorandum (A/2442) that "This preparatory work could in the first place consist of a compilation or repertory of the jurisprudence of the United Nations. The preparation and publication of such documentation should be entrusted to the Secretary-General. For this purpose funds should be made available if necessary." The Netherlands Government further indicates, in paragraph 5 of its memorandum, that the study envisaged in paragraph 3 (d) of the explanatory

memorandum relating to the item proposed by the Government of Argentina, could, at the same time, cover the preparatory work envisaged by the Netherlands Government, if it were undertaken with due regard to Article 109 of the Charter.

42. In order to facilitate the consideration by the General Assembly of these aspects of the items proposed by Argentina and the Netherlands, the Secretary-General wishes to inform the Assembly of the activities which have been undertaken by the Secretariat in similar fields.

A. Studies previously undertaken by the Secretariat

43. Various sections of the Secretariat have in the past undertaken as part of their normal work, or pursuant to requests by United Nations organs, studies of decisions taken and practices developed by the Organization in specific fields. In this connexion it may be recalled that General Assembly resolution 686 (VII) of 5 December 1952 authorized the Secretary-General to undertake as soon as possible "the publication of... a *répertoire* of the practice of the Security Council". This *répertoire*, which is in the course of preparation, will be completed in the early part of 1954 (see also paragraph 48 below).

B. Co-ordinated study of the application of the Charter

1. Scope

44. More recently the Secretary-General, in consultation with senior officials of the Secretariat, has given attention to the usefulness at this time of a more co-ordinated study regarding the application of the provisions of the Charter. As a result, the Secretary-General decided that the first project to be undertaken would be the preparation of a repertory of practices under the Charter, and that the work on the historical background of the Charter would be developed in the light of the experience gained in preparing the repertory. It will be noted that the projected repertory corresponds closely to the proposals of the Argentine and Netherlands delegations referred to above.

45. The object of the Secretariat study is to provide in a concise and useful form a summary of United Nations practice in respect of all the articles of the Charter, emphasis being placed upon those articles or provisions in regard to which significant practice has developed in the organs of the United Nations throwing light upon the interpretation or application of particular provisions. The material would be organized primarily under the various articles of the Charter, though in many cases a significant problem or topic would be dealt with under inter-related articles, while in other cases, a topic falling under a part of an article would be treated separately. As the work on each article progresses, consideration would be given to the appropriateness of including in the analysis the historical background of the relevant article. In brief, the purpose of the study would be to produce a clear and concise reference work including appropriate references to the records, with a treatment of the substance of the article which would be comprehensive enough and sufficiently analytical to provide the basis for conclusions to be drawn by the reader. The highest degree for objectivity would be observed throughout.

46. The work has been organized in the following manner. A preliminary and tentative list of articles was allocated to each of the substantive departments of the Secretariat, on the understanding that this selection was a tentative one and subject to modifications in the light of the experience gained in the actual study. Within each department, an official has been given responsibility for

co-ordinating and expediting the study. These officials form a working group, headed by an official appointed by the Secretary-General, which meets to consider common problems of treatment and over-all co-ordination of the study. Another group known as the "review group" is to deal with questions of policy relating to the study brought to its attention by the working group.

47. The study is at present in a planning and preparatory stage. The Secretary-General will, in the future orientation of the project, take full account of the ideas expressed and the decisions reached by the General Assembly on the items proposed by the Governments of Argentina and the Netherlands.

2. Relation to other studies

48. With regard to the *répertoire* of practice of the Security Council undertaken by the Secretary-General under General Assembly resolution 686 (VII), it should be noted that its preparation is based upon the views expressed in the Sixth Committee and set forth in the report of the Secretary-General on the subject.⁶ In accordance with these views, the material in this study will not necessarily bear directly on the articles of the Charter, but will be organized and arranged on the basis of the problems which have arisen in the practice of the Council. Upon the completion of the Security Council *répertoire*, however, it will be possible to reorganize and rearrange a selection of the material contained therein so as to prepare a more concise and analytical study bearing specifically on the articles of the Charter in the same field. Thus, in that sense there will be no duplication between the two studies and, moreover, the detailed work on the *répertoire* of the Security Council will greatly facilitate the preparation of that portion of the contemplated general study on the application of the Charter which will bear on the articles relative to the Security Council.

49. It may also be useful to observe that the Secretariat project would differ in its approach and its scope from similar undertakings already initiated by national and international bodies which, according to information received by the Secretariat, devote their efforts to the clarification of national points of view with respect to the Charter or to the elaboration of proposals for revision of Charter provisions.

3. Financial implications

50. As regards staffing and expenditure, it will be noted that, at present, the work on the project described above is being undertaken by the existing staff and facilities on a departmental basis with an inter-departmental co-ordinating machinery. It is envisaged that, when some of the departmental studies are concluded on specific articles of the Charter, a larger measure of co-ordination with respect to substance and presentation of the material gathered will be required. It may be estimated, therefore, that the full-time services of at least two officials will be necessary, a senior officer assisted by an associate or second officer, to perform the necessary co-ordination and editorial work under the direction of the chairman of the working group. Funds to the amount of some \$18,640 will be required for temporary assistance for this purpose over a period of one year. Expense may also have to be incurred for translating and publishing in mimeographed form the material gathered, although an effort will be made to carry out this work within the limits of normal budgetary allocations.

⁶ Official Records of the General Assembly, Seventh Session, Annexes, agenda item 55, document A/2170, paras. 100 and 101.

C. Financial implications of Argentine proposal

51. Having regard to the similarity between the co-ordinated study of the application of the provisions of the Charter described above and the proposal made by Argentina in paragraph 2 (d) of its explanatory memorandum, it is expected that the financial implications of the Argentine proposal would be the same as those given in paragraph 50 above.

ANNEX**SUMMARY OF FINANCIAL IMPLICATIONS**

The costs summarized below do not reflect the total cost of work to be accomplished under the Argentine proposal, in view of the assumption that much of the substantive and languages staff required for the several projects would be detailed from the existing establishment on a priority assignment basis. It has also been assumed that common staff costs related to the recruitment proposed could be provided within normal appropriations.

	Approximate range of additional costs	
	Min. US \$	Max. US \$
I. Publication of official records of the San Francisco Conference:		
Printing	5,600*	6,600*
II. Index of San Francisco documents:		
Personnel	5,750	12,500
Printing	10,000	10,000
III. Legislative history of the Charter:		
Personnel	43,125	43,125
Printing	16,000	30,000
IV. Repertory of practice of United Nations organs:		
Personnel	18,640	18,640
TOTAL	99,115	120,865

* There would, however, be an estimated revenue of \$1,250 to \$5,000.

DOCUMENT A/C.6/L.305**Costa Rica and Egypt: draft resolution**

[Original text: English]
[19 October 1953]

The General Assembly,

Having regard to the provision of Article 109, paragraph 3, of the Charter,

Mindful of the fact that the General Assembly in compliance with this provision may decide to hold a General Conference for the purpose of reviewing the present Charter,

Recognizing that the examination of the proposal to hold this General Conference would require considerable preparatory work,

Recognizing further that the work and deliberations of this General Conference—in case the General Assembly should decide to convene it—would be considerably facilitated if a comprehensive study were made of the provisions of the Charter as applied by the various organs of the United Nations,

1. *Requests* the Secretary-General to prepare all the relevant documents and materials necessary for the preparatory work and the study mentioned above;

2. *Decides* to establish an advisory committee composed of fifteen Member States to assist the Secretary-General in the preparatory work necessary for the possible convening for the General Conference referred to in Article 109, paragraph 3, of the Charter;

3. *Requests* this Committee to:

(a) Prepare a questionnaire to be circulated by the Secretary-General to the Member States to ascertain their preliminary views on what they may deem appropriate for the purpose of the General Conference referred to in Article 109 of the Charter;

(b) Receive, examine, analyse and co-ordinate the views expressed by the Member States;

(c) Report to the General Assembly not later than 30 June 1955;

4. *Invites* the Member States to submit their views on the questionnaire communicated to them by the Secretary-General.

DOCUMENT A/C.6/L.306/Rev.1⁷**Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan: draft resolution**

[Original text: English]
[21 October 1953]

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly

facilitate consideration by the tenth annual session of the question of calling a General Conference,

1. *Requests* the Secretary-General to prepare before the end of 1954:

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published;

(b) A complete index of all the documents of that Conference;

⁷ The text of draft resolution A/C.6/L.306, dated 19 October 1953, which is not printed in this fascicule, is identical with the present revised text, but Canada was not included among the sponsors of the original text.

(c) A systematic and comprehensive study of the legislative history of the Charter ;

(d) A repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise ;

2. *Invites* the Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter ;

3. *Requests* the Secretary-General to circulate these preliminary views to Member States as soon as they have been submitted.

DOCUMENT A/C.6/L.306/Rev.2

Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan : revised draft resolution

[Original text : English]
[26 October 1953]

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly facilitate consideration by the tenth annual session of the question of calling a General Conference,

1. *Requests* the Secretary-General to prepare and publish during 1954, or shortly thereafter :

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

(b) A complete index of all the documents of that Conference ;

(c) A systematic and comprehensive study of the legislative history of the Charter ;

(d) A repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise ;

2. *Invites* the Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter ;

3. *Requests* the Secretary-General to circulate these preliminary views to Member States as soon as they have been submitted.

DOCUMENT A/C.6/L.307

Belgium, Colombia, France and Mexico : amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text : French]
[26 October 1953]

1. Replace the preamble to the draft resolution by the following :

"The General Assembly,

"Considering that any measure likely to lead to a more thorough knowledge of the Charter is conducive to the efficient functioning of the United Nations,

"Considering that a study of the preparatory work on the Charter and of the practice followed by the

various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter,

"Considering that such a study may be made with the help of the official documents by the Secretary-General of the United Nations,"

2. Delete paragraph 2 of the operative part.

3. Delete paragraph 3 of the operative part.

DOCUMENT A/C.6/L.308/Rev.1^a

Australia and United Kingdom of Great Britain and Northern Ireland : amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text : English]
[31 October 1953]

1. Add, as fourth paragraph of the preamble :

"Having regard to the memorandum by the Secretary-General (A/C.6/343),"

2. Amend sub-paragraph (b) of operative paragraph 1 to read as follows :

"(b) A complete index of the documents of that Conference on the lines envisaged in Part II and Part III C of the memorandum by the Secretary-General ;"

3. Delete sub-paragraph (c) of operative paragraph 1.

4. Amend sub-paragraph (d) of operative paragraph 1 to read as follows :

"(c) A repertory of the practice of United Nations organs appropriately indexed ;"

^a The original draft resolution, A/C.6/L.308, dated 26 October 1953, which is not printed in this fascicule, is substantially identical with the present revised text. The two texts differ as follows :

(a) Australia was not included among the sponsors of the original text.

(b) Points 2 and 3 of the present text were combined in a single point, numbered 2, in the original text, and point 4 in the present text was point 3 in the original text.

DOCUMENT A/C.6/L.309/Rev.2

El Salvador: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: Spanish]
[30 October 1953]

1. *First paragraph of the preamble*: Delete the word "present" in the phrase "reviewing the present Charter".

2. *Third paragraph of the preamble*: Delete the words "is one of the best methods of acquiring knowledge of the Charter and", and the words "by the tenth annual session".

3. *Third paragraph of the preamble*: At the end of the paragraph, omit the comma and add the words "with the object of reviewing the Charter".

4. *Paragraph 1 of the operative part*: After the words "prepare and publish" insert the words "and to circulate among the States Members".

DOCUMENT A/C.6/L.310

Panama: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: Spanish]
[28 October 1953]

1. Delete paragraph 2 of the operative part and replace by the following:

"2. Invites the Member States to submit, preferably not later than 31 March 1955, their objections to the Charter and their views with regard to the possible review of the Charter;"

2. Delete paragraph 3 of the operative part and replace by the following:

"3. Requests the Secretary-General to circulate these objections and preliminary views to Member States

as soon as they have been submitted, so that each Member State can express its opinion thereon;"

3. Add the following after paragraph 3 of the operative part:

"4. Instructs the Secretary-General to submit all the above documentation to the General Assembly at its session in 1955 so that the Assembly can consider whether a General Conference should be convened to take a definitive decision regarding such amendments to the Charter as may be necessary and advisable."

DOCUMENT A/C.6/L.312

Czechoslovakia: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)

[Original text: English]
[3 November 1953]

1. Delete sub-paragraph (c) of operative paragraph 1.

2. Delete sub-paragraph (d) of operative paragraph 1.

DOCUMENT A/C.5/560

Financial implications of the draft resolution adopted by the Sixth Committee (A/C.6/L.313) estimate submitted by the Secretary-General

[Original text: English]
[16 November 1953]

1. The Sixth Committee adopted at its 380th meeting on 4 November 1953 a draft resolution (A/C.6/L.313) in which the Secretary-General is requested to prepare, publish and circulate among the Member States during 1954, or shortly thereafter, the following documentation:

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published;

(b) A complete index of the documents of that Conference; and

(c) A repertory of the practice of United Nations organs appropriately indexed.

2. The financial implications of the draft resolution are as outlined below.

Systematic compilation of unpublished documents of the San Francisco Conference

In accordance with the opinions expressed in the Sixth Committee, it is proposed to publish the Co-ordination Committee documents in English and French. This will involve the translation of an additional 316 pages into French.

It is also proposed to include in this publication relevant parts of volume 15 of the set published by the United Nations Information Organization (UNIO). It is estimated that 1,000 copies of each volume would be adequate for sales and distribution purposes as outlined by the Secretary-General in the memorandum which he submitted to the Sixth Committee (A/C.6/343).

Such a systematic compilation could be prepared by existing staff in the course of 1954. Extra funds of \$6,600 would be required, however, for publishing the compilation in 1954. Revenue from sales, realizable in 1955, is estimated at \$2,500.

Complete index of documentation of the San Francisco Conference

The preparation and publication in English and French of a complete index of the documents of the United Nations Conference on International Organization as envisaged in part II and part III C of the Secretary-General's memorandum (A/C.6/343) would necessitate the full-time services of three indexers (including one with legal qualifications) for approximately twelve months. This estimate is made on the basis of seventeen volumes of documents to be indexed in English and French.

Clerical assistance in proof-reading and typing would amount to about thirteen man-months for an index in two languages, and would be provided within the existing establishment.

Additional temporary assistance funds totalling \$18,830 would be required, however, to cover the employment in 1954 of three indexers (two associate officers at \$5,750 per annum and one second officer at \$7,330 per annum).

At the present time, it is difficult to estimate accurately the printing costs, which would depend on number of pages, typography and format of the volumes. It is thought that these costs, which would also arise in 1954, would not be less than \$10,000.

Repertory of practice of United Nations organs

Work on the repertory of the practice of United Nations organs is at present being undertaken by existing staff on a departmental basis with an inter-departmental co-

ordinating committee. In addition, the full-time services of at least two staff members (one senior officer and one second officer) will be needed, over a period of one and a half years, to perform the necessary co-ordination and editorial work. It is intended to provide these staff members by detail from work elsewhere in the Secretariat and without requesting replacement posts.

The Repertory would be published in 1955 in mimeographed form in English and French, involving the translation of about 1,000 pages of text. The cost, if accounted for separately, would be approximately \$14,000. Provision for this work would be made in the normal budgetary proposals for 1955.

3. The additional cost of implementing the draft resolution totals \$35,430 for the year 1954. Of this sum, \$18,830 is for temporary assistance under section 6^a (Library) and the remaining \$16,600 is for contractual printing under section 26 (Publications). Common staff costs related to temporary assistance requirements would be absorbed within the normal appropriations for section 17 of the 1954 budget. Revenue of \$3,000 would result from staff assessment in 1954 and \$2,500, not realizable until 1955, is anticipated from sales of publications.

4. In consequence of the above costs, the over-all requirements for sections 6^a and 26 of the 1954 budget would be increased as follows :

	Section 6 ^a US \$	Section 26 US \$
Estimates approved by Fifth Committee (first reading)	460,300	718,300
Supplementary requirements	18,830	16,600
	<hr/>	<hr/>
Revised estimates	479,130	734,900

Publication of documents concerning the drafting and application of the Charter

Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter

Amendment of the Charter : election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States.

DOCUMENT A/2559

Report of the Sixth Committee

[Original text : English]
[19 November 1953]

I. INTRODUCTION

1. The three items to which the present report relates were placed on the agenda of the eighth session of the General Assembly upon the request of the permanent representatives of Argentina, the Netherlands and Egypt, respectively. As provided in rule 20 of the rules of procedure, the proposals of the three Member States were accompanied by explanatory memoranda giving reasons for their submission (A/2415, A/2442, A/2466/Add.1).

2. At its 435th plenary meeting, held on 17 September 1953, the General Assembly decided, on the recommendation of the General Committee, to include the items

entitled "Publication of documents concerning the drafting and application of the Charter"; "Preparatory work with regard to the possible holding of a General Conference of the Members of the United Nations in accordance with Article 109 of the Charter"; "Amendment of the Charter: election of a technical committee to study and report on the amendment of the Charter on the basis of proposals to be submitted by Member States" in the agenda of its eighth session and to refer the items to the Sixth Committee for consideration.

3. The Sixth Committee considered the three items jointly from its 371st meeting, held on 19 October 1953, to its 380th meeting, held on 4 November 1953.

4. A memorandum containing observations on the first two items was submitted by the Secretary-General to the Sixth Committee for its information (A/C.6/343). In his memorandum the Secretary-General presented a detailed description of the official records of the San Francisco Conference and indicated, in particular, that the only official records not published up to the present were the documents of the Co-ordination Committee, including the summary reports of the Advisory Committee of Jurists. The memorandum described the manner in which a chronological and synoptical index of the documentation of the Conference could be prepared by the Secretariat and indicated that the preparation of a systematic and comprehensive study of the legislative history of the Charter, previously undertaken, had had to be deferred in order to give priority to the preparation of a repertory of the practices of the United Nations under the Charter. The suggestion was made that the main purpose of publishing a legislative history might be achieved by the preparation of a comprehensive index to the San Francisco documentation. The memorandum also contained a report on the initial steps taken within the Secretariat with a view to a preparation of a co-ordinated history of the application of the Charter provisions. A summary of the financial implications of the proposals before the Committee was annexed.

II. PROPOSALS SUBMITTED TO THE SIXTH COMMITTEE

5. The following draft resolutions were before the Committee :

(a) A draft resolution by *Argentina* (A/2415/Add.1) which stated in its preamble that one of the best methods of acquiring knowledge of the Charter was to study its legislative history and the practice followed by the various organs of the United Nations in applying it, and that this study could be carried out by the Secretariat on the basis of the official documents. The operative part provided that the General Assembly would request the Secretary-General to arrange to publish, before the end of 1954 : (1) a systematic compilation of the documents of the United Nations Conference on International Organization not yet published ; (2) a complete index of all the documents of that Conference ; (3) a systematic and comprehensive study of the legislative history of the Charter ; and (4) a repertory of various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they have given rise.

(b) A draft resolution by *Costa Rica and Egypt* (A/C.6/L.305) the preamble of which referred to Article 109, paragraph 3, of the Charter, and stated that the examination of the proposal to hold a General Conference for the purpose of reviewing the Charter would require considerable preparatory work, and that the work and deliberations of the General Conference—in case the General Assembly should decide to convene it—would be considerably facilitated if a comprehensive study were made of the provisions of the Charter as applied by the various organs of the United Nations. The operative part of the draft resolution proposed that the General Assembly should (1) request the Secretary-General to prepare all the relevant documents and materials necessary for the preparatory work and study mentioned in the preamble ; (2) establish an advisory committee composed of fifteen Member States to assist the Secretary-General in the preparatory work necessary for the possible convening of the General Conference referred to in Article 109, paragraph 3, of the Charter. The advisory committee would be requested to prepare a questionnaire to be circulated to the Member States to ascertain their preliminary views on what they might deem appropriate for the purpose of the General Conference ; to receive,

examine, analyse and co-ordinate the views expressed by the Member States ; and to report to the General Assembly not later than 30 June 1955. Member States would be invited to submit their views on the questionnaire prepared by the advisory committee.

(c) A draft resolution by *Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan* (A/C.6/L.306/Rev.2), which also referred in the preamble to the provisions of Article 109 of the Charter and stated that the examination of a proposal to hold a General Conference would require considerable preparation on the part of both the Secretary-General and Member States. It expressed the view that a study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations would be one of the best methods of acquiring knowledge of the Charter and would greatly facilitate the Assembly's consideration, at its tenth annual session, of the question of calling a General Conference. Under paragraph 1 of the operative part of this draft resolution, the General Assembly would request the Secretary-General to prepare and publish during 1954, or shortly thereafter : (a) a systematic compilation of the documents of the United Nations Conference on International Organization not yet published ; (b) a complete index of all the documents of that Conference ; (c) a systematic and comprehensive study of the legislative history of the Charter ; (d) a repertory of the various provisions of the Charter, taking into account their application by the various organs of the United Nations and the interpretations to which they had given rise. Under paragraph 2 the General Assembly would invite Member States to submit, preferably not later than 31 March 1955, their preliminary views with regard to the possible review of the Charter, and under paragraph 3 it would request the Secretary-General to circulate these preliminary views to Member States as soon as they had been submitted.

6. The following amendments were submitted to the draft resolution submitted by *Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan* :

(a) An amendment submitted by *Belgium, Colombia, France and Mexico* (A/C.6/L.307) which proposed to substitute for the preamble of the six-Power draft resolution a statement that any measure likely to lead to a more thorough knowledge of the Charter would be conducive to the efficient functioning of the United Nations ; that a study of the preparatory work on the Charter and of the practice followed by the various organs of the United Nations would be one of the best means of acquiring knowledge of the Charter ; and that such a study might be made with the help of the official documents by the Secretary-General. The amendment further proposed to delete paragraphs 2 and 3 of the operative part of the draft resolution.

(b) An amendment submitted by *Australia and the United Kingdom* (A/C.6/L.308/Rev.1) which proposed : (1) to add a fourth paragraph to the preamble of the six-Power draft resolution referring specifically to the memorandum by the Secretary-General (A/C.6/343) ; (2) to amend sub-paragraph (b) of operative paragraph 1 to read as follows : "(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General" ; (3) to delete sub-paragraph (c) ; and (4) to replace sub-paragraph (d) by the following sub-paragraph : "(c) A repertory of the practice of United Nations organs appropriately indexed".

(c) An amendment submitted by *El Salvador* (A/C.6/L.309/Rev.2) which proposed to make certain drafting changes in the preamble of the six-Power draft resolution and to indicate in paragraph 1 of the operative part that the Secretary-General would not only prepare and publish

the documentation requested but that he would also circulate that documentation among the Member States.

(d) An amendment submitted by Panama (A/C.6/L.310) which proposed to replace paragraph 2 of the operative part of the six-Power draft resolution by a paragraph inviting the Member States to submit, preferably not later than 31 March 1955, their objections to the Charter and their views with regard to the possible review of the Charter; to replace paragraph 3 of the operative part by a request to the Secretary-General to circulate these objections and preliminary views to Member States as soon as they had been submitted so that each Member State could express its opinion thereon; and to add a fourth paragraph instructing the Secretary-General to submit all the documentation which he would prepare in accordance with the resolution to the General Assembly at its session in 1955 so that the Assembly could consider whether a General Conference should be convened to take a definitive decision regarding such amendments to the Charter as might be necessary and advisable.

(e) An amendment submitted by Czechoslovakia (A/C.6/L.312) which proposed to delete sub-paragraphs (c) and (d) of operative paragraph 1 of the six-Power draft resolution.

III. DISCUSSION IN THE SIXTH COMMITTEE

Study of the Charter and Charter review

7. During the discussion which took place in the Committee, consideration was given to the question of the relation between the proposals before the Committee and the question of Charter review under paragraph 3 of Article 109.

8. A number of delegations held the view that it was desirable to make such preparations now as would enable governments in 1955 to reach a considered opinion on the question whether a General Conference should be convened to review the Charter. It was the view of those delegations that the provisions of Article 10 and of paragraph 1 of Article 109 of the Charter were sufficiently broad to enable the General Assembly to undertake such preparations. Without committing themselves on the question whether a revision of the Charter would be desirable, several delegations expressed themselves in favour of holding a General Conference for the purpose of reviewing the Charter. Other delegations went further and asserted that the Charter required revision, but it was recognized that revision could not be effected without the approval of each of the permanent members of the Security Council.

9. Some delegations favoured technical studies, but wished to avoid linking them at the present time to the question of reviewing the Charter. In their view, it was premature to deal with the question of review and it was even doubtful whether the General Assembly was competent to undertake any activities bearing directly on the review of the Charter, since Article 109 entrusted that task to a General Conference and not to any of the existing organs of the United Nations.

10. Some delegations opposed the adoption of the proposals submitted to the Committee and maintained that they were indirect attempts to abolish the unanimity rule and to undermine the basic principles of the Charter. In their opinion, it was not likely that extensive and costly preparatory work would be proposed unless the proponents intended it to result in revision. Any proposals made in anticipation of the revision of the Charter could only increase international tension and might endanger the existence of the United Nations.

Proposal for publication of documents concerning the drafting and the application of the Charter

(a) *Compilation of unpublished documents of the San Francisco Conference*

11. It was generally agreed that it would be useful to publish the hitherto unpublished official documents of the Co-ordination Committee of the San Francisco Conference. In this connexion, the suggestion was made that the Secretariat should distribute to governments, some of which were not represented at the San Francisco Conference and had not had the same opportunity as others to obtain those documents, the edition of the San Francisco records prepared by the United Nations Information Organization. Without that material, it would be of little value to have at hand what would be a supplement to it.

(b) *Preparation of an index to the documents of the San Francisco Conference*

12. With respect to the preparation of a comprehensive index to the San Francisco documents, agreement was expressed with the suggestions in the Secretary-General's memorandum (A/C.6/343) as to the form and contents of such an index. It was pointed out that the analytical index suggested by the Secretary-General should be prepared not only from the technical but also from the juridical viewpoint, with due regard to the legally significant issues involved in the interpretation of each particular article or paragraph of the Charter.

(c) *Legislative history of the Charter*

13. Those delegations which favoured the preparation of a systematic and comprehensive legislative history of the drafting of the Charter stressed the usefulness which such a study would have for governments and for United Nations organs. Its cost, when spread over the two years which would be required for its preparation, would be small compared with its value. Other delegations expressed doubts as to the desirability of such a history and wondered whether its cost and the burden that its preparation would place upon the Secretariat would be justified. In particular, it was pointed out that a multi-lateral instrument such as the Charter initially reflected a variety of views but later acquired an independent existence and had to be interpreted accordingly. It was therefore questionable whether the intentions of its authors would be of value in its interpretation, not only because of the number of countries involved, but also in view of the fact that States which became members subsequent to its drafting had not been heard at the San Francisco Conference. In addition, it was stated that a legislative history, unless accompanied by explanatory comments, would not help the reader greatly in understanding why the various provisions had developed along certain lines. The selection of material for inclusion in such a history would be a difficult task for the Secretariat, and would be more difficult in a summarized history than in an extended one.

14. In view of those considerations, the Secretary-General's suggestion that a comprehensive index might serve the purpose of a legislative history of the Charter evoked favourable responses from several delegations.

(d) *Repertory of practice under the Charter*

15. In supporting the proposal regarding the preparation of a repertory of the practice of the United Nations under the Charter, several delegations observed that such a repertory would assist governments in forming a considered opinion about the desirability of convening a General Conference under Article 109. In addition,

emphasis was laid on the intrinsic value which would be derived from the proposed repertory independently of its usefulness in the determination whether the Charter required review. Such a repertory would contribute to an understanding of the Charter regardless of whether a General Conference were convened or not. The Secretariat was the only institution equipped to carry out such a scientific and objective study and had already commenced its preparation as part of its normal functions.

16. With respect to the presentation of the proposed repertory, some delegations, wishing to give the Secretary-General clear instructions on the matter, expressed the view that it should be prepared along the lines indicated in part IV of the Secretary-General's memorandum. It was pointed out that material should be organized primarily in terms of the various articles of the Charter so as to reveal their application and interpretation, rather than be given a historical case-by-case treatment. A significant topic might be treated separately when its importance warranted such consideration or when dealt with in more than one article. The importance of a good index to the repertory was stressed. Some delegations suggested that the repertory should be kept up to date by periodic supplements.

(e) *Administrative implications*

17. In reply to questions raised in the Sixth Committee, the representative of the Secretary-General explained that existing staff would be inadequate for the preparation of a legislative history of the Charter. A concise study would lay a heavier workload on the Secretariat and would require the same staff (five research assistants) as a comprehensive study, but the printing costs would be less. As regards the proposed index, the debate had made it clear that the index would have to be more complete than had been expected, and the services of an indexer with legal training would be required. With respect to the repertory of practice, each department would be responsible for the section which was its own special concern; two additional staff members working under a Secretariat committee would be necessary for co-ordination and editorial presentation.

18. In regard to the time schedule it was noted that publication of the Co-ordination Committee documents and of the index would be completed within one year and the repertory of practice would probably be substantially done within that time. It was unlikely that the repertory could be completed in a year, particularly since translation and publication would require additional time.

Proposal to invite Member States to submit preliminary views regarding possible revision of the Charter

19. With respect to the proposal to invite Member States to submit their preliminary views regarding the possible revision of the Charter, the delegations which favoured the proposal thought that its adoption would result in a useful exchange of views which would greatly assist the General Assembly at its tenth session in deciding whether a General Conference should be called, since a general picture of the position taken and the amendments desired by governments would emerge. It was understood that the words "preliminary views" were used in order to leave governments entirely free to express whatever opinions they wished or not to express any at all. Indeed, the purpose of requesting the views of governments was not so much to induce them to take a definite position in advance as to stimulate them to study the question. Some delegations felt that non-member States should also be requested to submit their opinions on Charter revision.

20. In addition to the constitutional arguments mentioned earlier, other reasons were advanced by those delegations which opposed the proposal to request governments to submit their preliminary views on Charter revision. Governments would hesitate to formulate their views without knowing what would be the international atmosphere three years hence. If they submitted their views beforehand, they might find it difficult to modify their positions during the General Conference, if one were held. Should some governments advance their views and others refrain from doing so, an incorrect picture of international opinion would result. It was pointed out that, if the only purpose of requesting governments for their opinions was to stimulate the study of Charter revision, that purpose had already been achieved by the debates in the Sixth Committee.

Proposal for election of a technical committee to study and report on amendment of the Charter

21. With regard to the establishment of an advisory committee to study and report on the amendment of the Charter, the delegations which supported this proposal considered it a method of preparing gradually for revision of the Charter similar to the conference which had been held by the Great Powers prior to the San Francisco Conference. One of the committee's tasks would be to prepare a questionnaire to ascertain the preliminary views of governments as to what amendments to the Charter might generally be acceptable, although the position of Member States would not be prejudiced by the expression of such preliminary views. The committee would also assist the Secretary-General in his task of preparing the necessary documentation, thus guaranteeing his neutrality.

22. Most of the objections to the proposal to request governments to submit their views on Charter revision were also raised with respect to the proposal regarding an advisory committee. Doubts were also expressed as to the usefulness of a committee having such imprecise terms of reference. By the mere act of drawing up a questionnaire, the committee would limit the scope of the comments of governments and it was questionable whether the committee should be allowed to supervise the preparation of documents and studies by the Secretariat. The task entrusted to the Secretariat should be a purely objective one, and the General Assembly alone could judge its value.

IV. DISPOSITION OF PROPOSALS

23. At the 372nd meeting of the Sixth Committee the delegation of Argentina withdrew its draft resolution (A/2415/Add.1) in favour of the five-Power draft resolution (A/C.6/L.306).⁹ At the 374th meeting the draft resolution of Costa Rica and Egypt (A/C.6/L.305) was withdrawn by its authors.

24. At the 379th and 380th meetings, the Sixth Committee proceeded to vote on the six-Power draft resolution (A/C.6/L.306/Rev.2) and the amendments submitted to it.

25. Point 2 of the four-Power amendment (A/C.6/L.307) proposing the deletion of paragraph 2 was adopted by 24 votes to 23, with 5 abstentions.

26. The representative of Argentina requested the Chairman to consult the Committee on the question whether a new vote should be taken to check the results of the first. The Chairman, considering that a new vote would imply reconsideration of the matter, put the Argentine proposal to the vote under rule 122 of the rules

⁹ Subsequently replaced by the six-Power draft resolution (A/C.6/L.306/Rev.1).

of procedure; there were 25 votes in favour, 24 against and 5 abstentions. The vote, which was taken by roll call, was as follows:

In favour: Argentina, Australia, Brazil, Canada, Chile, China, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Honduras, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Peru, Philippines, Turkey, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Belgium, Burma, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, Denmark, France, Guatemala, Iceland, India, Indonesia, Iraq, Liberia, Mexico, Norway, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Egypt, Greece, Iran, Israel, Thailand.

Having failed to obtain the required two-thirds majority, the proposal was not adopted.

27. By 27 votes to 16, with 2 abstentions, the Committee decided not to vote on point 3 of the four-Power amendment, which was therefore automatically adopted in view of the vote on point 2. As a result, paragraph 3 of the operative part of the six-Power draft resolution was considered deleted.

28. The deletion of operative paragraphs 2 and 3 of the six-Power draft resolution rendered unnecessary a vote on the amendment by Panama (A/C.6/L.310) to amend those paragraphs and to add a fourth operative paragraph.

29. Point 1 of the Czechoslovak amendment (A/C.6/L.312), to delete sub-paragraph (c) of operative paragraph 1 of the six-Power draft resolution, was rejected by 20 votes to 18, with 7 abstentions. Point 2 of the same amendment, proposing the deletion of sub-paragraph (d), was rejected by 24 votes to 8, with 5 abstentions.

30. Point 4 of the amendment submitted by El Salvador (A/C.6/L.309/Rev.2), to insert the words "and to circulate among the States Members" in operative paragraph 1, was adopted by 39 votes to 5, with 5 abstentions.

31. Point 2 of the amendment submitted by Australia and the United Kingdom (A/C.6/L.308/Rev.1), to substitute a new text for sub-paragraph (b) of operative paragraph 1, was adopted by 29 votes to 17, with 4 abstentions. Notwithstanding the rejection of point 1 of the amendment of Czechoslovakia (A/C.6/L.312), the Committee decided, by 26 votes to 16, with 6 abstentions, to vote on point 3 of the amendment by Australia and the United Kingdom, proposing to delete sub-paragraph (c) of operative paragraph 1. Point 3 of the amendment was adopted by a roll-call vote of 27 to 20, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Czechoslovakia, Denmark, Egypt, France, Iceland, India, Iran, Iraq, Liberia, Norway, Philippines, Poland, Saudi Arabia, Sweden, Syria, 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.

Against: Argentina, Brazil, Canada, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Indonesia, Mexico, Netherlands, New Zealand, Nicaragua, Panama, Peru, Uruguay, Venezuela, Yugoslavia.

Abstaining: Greece, Israel, Pakistan, Thailand, Turkey.

32. Point 4 of the amendment by Australia and the United Kingdom to substitute a new text in place of sub-paragraph (d) of operative paragraph 1, was adopted by 23 votes to 16, with 7 abstentions.

33. Point 1 of the four-Power amendment (A/C.6/L.307), to replace the preamble of the six-Power draft resolution with a new text, was rejected by a roll-call vote of 28 to 15, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Belgium, Burma, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, France, Guatemala, Iran, Liberia, Mexico, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Argentina, Brazil, Canada, Chile, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Iceland, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Sweden, Turkey, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Australia, India, Indonesia, Iraq, Israel, Saudi Arabia, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

34. Point 1 of the amendment by El Salvador (A/C.6/L.309/Rev.2), to delete the word "present" in the first paragraph of the preamble, was adopted by 28 votes to 7, with 10 abstentions. The amendment in point 2 to delete the words "is one of the best methods of acquiring knowledge of the Charter and" in the third paragraph of the preamble was rejected by 29 votes to 5, with 14 abstentions. The amendment in point 2 to delete in the same paragraph the words "by the tenth annual session" was rejected by 40 votes to 2, with 7 abstentions. The amendment in point 3 to delete the comma at the end of the same paragraph, and to add the words "with the object of reviewing the Charter," was rejected by 16 votes to 9, with 25 abstentions.

35. Point 1 of the amendment by Australia and the United Kingdom (A/C.6/L.308/Rev.1) to add a fourth paragraph to the preamble, was adopted by 28 votes to 6, with 11 abstentions.

36. The draft resolution of Argentina, Canada, Cuba, the Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2), as amended, was then put to the vote in parts. The first paragraph of the preamble, as amended, was adopted by 38 votes to 5, with 3 abstentions. The second paragraph of the preamble was adopted by 41 votes to 5, with 2 abstentions. The third paragraph of the preamble was adopted by 40 votes to 5, with 5 abstentions. The operative part of the draft resolution, as amended, was adopted by 44 votes to 5.

37. The draft resolution as a whole, as amended, was then adopted by 48 votes to 5.

Recommendation of the Sixth Committee

38. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Draft resolution

The General Assembly,

Having regard to the provisions of Article 109 of the Charter under which a proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the Charter is to be placed on the agenda of the tenth annual session of the General Assembly if such a conference has not been held before that session,

Considering that the examination of such a proposal will require considerable preparation on the part of both the Secretary-General and Member States,

Considering that study of the legislative history of the Charter and of the practice followed by the various organs of the United Nations is one of the best methods of acquiring knowledge of the Charter and will greatly

facilitate the General Assembly's consideration, at its tenth annual session, of the question of calling a General Conference,

Having regard to the memorandum by the Secretary-General (A/C.6/343),

Requests the Secretary-General to prepare, publish and circulate among the Member States during 1954, or shortly thereafter :

(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published ;

(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General ;

(c) A repertory of the practice of United Nations organs appropriately indexed.

DOCUMENT A/2575

Twenty-third report of the Advisory Committee on Administrative and Budgetary Questions : financial implications of the draft resolution submitted by the Sixth Committee (A/2559)

[Original text : English]
[24 November 1953]

1. The Secretary-General has submitted, in accordance with rule 152 of the rules of procedure, a statement (A/C.5/560) of the financial implications of the draft resolution (A/2559) submitted by the Sixth Committee on the subject of the publication of documents concerning the drafting and application of the Charter.

2. The following table shows the financial implications (as estimated by the Secretary-General) of the three points enumerated in the draft resolution :

	1954	1955
	US \$	
(a) A systematic compilation of the documents of the United Nations Conference on International Organization not yet published	6,600	—
(b) A complete index of the documents of that Conference on the lines envisaged in part II and part III C of the memorandum by the Secretary-General (A/C.6/343)	28,830	—
(c) A repertory of the practice of United Nations organs appropriately indexed	—	(14,000 ^a)
	35,430	(14,000 ^a)

^a This item, covering the cost of translation into French and Spanish, would be included in the regular budget estimates for 1955.

3. The above figures represent supplementary costs. Part of the 1954 requirements under each of the three heads would be met within the budgetary provision already approved by the Fifth Committee in first reading.

4. In view of the importance of the projected work, the Advisory Committee has considered whether a deferment of other activities planned for 1954 might be desirable

in order to reduce to a minimum the addition to the budget of that year. Any such deferment would have reference to section 6a (Library) and section 26 (Publications). A sum of \$16,600 is estimated by the Secretary-General for printing costs under the latter section, comprising \$6,600 and \$10,000 respectively for points (a) and (b), while under section 6a, \$18,830 is estimated for the engagement during 1954 of three indexers for work on the seventeen volumes of documentation of the San Francisco Conference.

5. Having regard, however, to the cuts in these two sections already recommended by the Fifth Committee in first reading, the Advisory Committee doubts whether a further substantial deferment of work would be advisable, although a minor part of the indexing (point (b)) could doubtless be undertaken by the existing staff. As regards the reproduction material under points (a) and (b), the Committee suggests for consideration a process less costly than printing and similar to the one used for reproducing the documents of the San Francisco Conference.

6. The Committee also notes that neither the compilation of UNCIO documents nor the index will necessarily be completed during 1954. The draft resolution proposed by the Sixth Committee (A/2559, paragraph 38) requests that these should be prepared, published and circulated during 1954, or shortly thereafter.

7. On the basis of the considerations set forth in paragraphs 5 and 6 above, the Advisory Committee considers that, in the event of the adoption of the draft resolution, the provision of \$30,000 should prove adequate for the year 1954. It is recommended that this sum, which represents a reduction of \$5,430 on the Secretary-General's estimate, should be distributed at his discretion between section 6a and section 26.

DOCUMENT A/2578

Financial implications of the draft resolution submitted by the Sixth Committee (A/2559) : report of the Fifth Committee

[Original text : English]
[26 November 1953]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request made by the President of the General Assembly in a letter to the Chairman of the Fifth Committee dated 5 November 1953, the Fifth Committee, at its 412th meeting on 25 November 1953, considered the financial implications of the draft resolution submitted by the Sixth Committee (A/2559,

para. 38) on items 58, 70 and 72 of the agenda of the eighth session.

2. The Fifth Committee had before it a statement by the Secretary-General (A/C.5/560) on the financial implications of the Sixth Committee's draft resolution, together with observations thereon submitted by the

Advisory Committee on Administrative and Budgetary Questions in its twenty-third report (A/2575).

3. It was estimated by the Secretary-General that the additional cost of implementing the draft resolution would amount to \$35,430 for the year 1954. Of this sum \$18,830 would be needed for temporary assistance under section 6a of the budget and the remaining \$16,600 for contractual printing under section 26. Common staff costs relating to temporary assistance requirements could, in the Secretary-General's opinion, be absorbed within the normal appropriation for section 17, in addition to which revenue of \$3,000 would result from staff assessment in 1954 and an estimated \$2,500 from sales of publications in 1955.

4. The Advisory Committee, in its report, expressed doubt whether, in view of the cuts in sections 6a and 26 already recommended by the Fifth Committee in first reading, a further substantial deferment of work would be advisable. As regards the reproduction of the documents of the United Nations Conference on International Organization which have not been published and the proposed complete index of the documents of that Conference, the Advisory Committee suggested that consideration might be given to the use of a less costly process than printing. It also noted that neither the compilation of UNCIO documents nor the index would necessarily be completed during 1954 since the draft

resolution of the Sixth Committee requested that these should be prepared, published and circulated during 1954 or shortly thereafter. On the basis of these considerations, the Advisory Committee recommended that, in the event of the adoption of the draft resolution, the provision of \$30,000 should prove adequate for the year 1954, and that the reduction of \$5,430 on the Secretary-General's estimate should be distributed at his discretion between sections 6a and 26.

5. The Fifth Committee, after receiving an assurance from the representative of the Secretary-General that an appropriation as recommended by the Advisory Committee would not prejudice or delay the carrying out of the work called for, rejected by 36 votes to 5 a proposal by the representative of the Union of Soviet Socialist Republics to recommend that no additional provision should be made in the budget estimates for 1954, and approved, by 36 votes to 5, with one abstention, the recommendation of the Advisory Committee indicated above.

6. The Fifth Committee accordingly informs the General Assembly that, in the event of the adoption of the draft resolution of the Sixth Committee, additional budgetary provision will be required in a total amount of \$30,000.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 458th plenary meeting, on 27 November 1953, the General Assembly adopted the draft resolution submitted by the Sixth Committee (p. 18 of this fascicule). For the final text, see resolution 796 (VIII).

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A/C.6/L.308	United Kingdom of Great Britain and Northern Ireland: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)		See A/C.6/L.308/Rev.1.
A/C.6/L.308/Rev.1	Australia and United Kingdom of Great Britain and Northern Ireland: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)	12	
A/C.6/L.309	El Salvador: amendments to the revised draft resolution submitted by Argentina, Canada, Cuba, Netherlands, New Zealand and Pakistan (A/C.6/L.306/Rev.2)		See A/C.6/L.309/Rev.2.
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A/C.6/L.313	Text of the draft resolution adopted by the Sixth Committee at its 380th meeting		See A/2559, para. 38.
A/RESOLUTION/133	Resolution adopted by the General Assembly at its 458th plenary meeting, on 27 November 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 796 (VIII).

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HEADQUARTERS, NEW YORK, 1953

Agenda item 73: Measures to avert the threat of a new world war and to reduce tension in international relations

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DOCUMENT A/2485/Rev.1

Union of Soviet Socialist Republics :
request for the inclusion of an additional item in the agenda of the eighth session

[Original text : Russian]
[24 September 1953]

LETTER DATED 21 SEPTEMBER 1953 FROM THE CHAIRMAN OF THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE PRESIDENT OF THE GENERAL ASSEMBLY

I have the honour to submit herewith for inclusion in the agenda of the eighth session of the United Nations General Assembly the important and urgent item of "Measures to avert the threat of a new world war and to reduce tension in international relations".

I should be grateful if you would arrange for the attached draft resolution on this item to be distributed as a General Assembly document.

(Signed) A. VYSHINSKY
Chairman of the delegation of
the Union of Soviet Socialist Republics

Draft resolution

The General Assembly,

Noting that the cessation of hostilities in Korea is an important contribution to the reduction of tension in international relations, and that it has created more favourable conditions for further action to avert the threat of a new world war,

Noting, at the same time, that in a number of countries the armaments race, far from abating, is being continued on an even greater scale, and that weapons of mass destruction, as a result of the latest advances in the

application of atomic energy for this purpose, are becoming ever more destructive and dangerous for many millions of people,

With the object of averting the threat of a new world war and strengthening the peace and security of nations,

1. Declares atomic, hydrogen and other types of weapons of mass destruction to be unconditionally prohibited, and instructs the Security Council to take immediate steps to prepare and implement an international agreement which will ensure the establishment of strict international control over the observance of this prohibition;

2. Recommends to the five permanent members of the Security Council, the United States of America, the Union of Soviet Socialist Republics, the United Kingdom, France and China, which bear the chief responsibility for the maintenance of international peace and security, that they reduce their armed forces by one-third within one year; and with a view to the alleviation of the burden of military expenditure recommends to the Security Council that it call as soon as possible an international conference for the carrying out by all States of the reduction of armaments;

3. Recognizes that the establishment of military, air and naval bases in the territories of other States increases the threat of a new world war and operates to undermine the national sovereignty and independence of States;

The General Assembly,

Recommends to the Security Council that it take steps to ensure the elimination of military bases in the territories of other States, considering this a matter of vital importance for the establishment of a stable peace and of international security;

4. *Condemns* the propaganda which is being conducted in a number of countries with the aim of inciting enmity and hatred among nations and preparing a new world war, and calls upon all governments to take measures to put a stop to such propaganda, which is incompatible with the fundamental purposes and principles of the United Nations.

DOCUMENT A/2485/Add.1**Union of Soviet Socialist Republics : explanatory memorandum**

[Original text : Russian]
[21 September 1953]

LETTER DATED 21 SEPTEMBER 1953 FROM THE CHAIRMAN OF THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE PRESIDENT OF THE GENERAL ASSEMBLY

I have the honour to forward to you herewith, in accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum on the item "Measures to avert the threat of a new world war and to reduce tension in international relations".

I shall be most grateful if you will arrange for the attached explanatory memorandum to be distributed as a General Assembly document.

(Signed) A. VYSHINSKY
Chairman of the delegation of
the Union of Soviet Socialist Republics

Explanatory memorandum

The cessation of hostilities in Korea is an important contribution to the reduction of tension in international relations, and creates more favourable conditions for further action to avert the threat of a new world war.

In a number of countries, however, the armaments race, far from abating, is being continued on an even greater scale. Weapons of mass destruction, as a result of the latest advances in the application of atomic energy for this purpose, are becoming ever more destructive and dangerous for many millions of people.

Side by side with the peace-loving forces in the world, there are forces active which have adopted a policy of aggravating the international situation. These forces stubbornly resist the reduction of international tension and are committed to the instigation of a new world war.

In these circumstances it is especially necessary at the present time to do everything possible to avert the threat of a new world war and to reduce tension in international relations.

For this purpose it is essential that atomic, hydrogen and other types of weapons of mass destruction should

be unconditionally prohibited and that the Security Council should be instructed to take immediate steps to prepare and implement an international agreement which will ensure the establishment of strict international control over the observance of this prohibition.

It is essential that the five permanent members of the Security Council, the United States of America, the Union of Soviet Socialist Republics, the United Kingdom, France and China, which bear the chief responsibility for the maintenance of international peace and security, should be recommended to reduce their armed forces by one-third within one year.

To alleviate the burden of military expenditure, it is essential to recommend to the Security Council that it call as soon as possible an international conference for the carrying out by all States of the reduction of armaments.

It is essential that steps should be taken for the elimination of military bases in the territories of other States, since the establishment of military bases in the territories of other States increases the threat of a new world war and operates to undermine the national sovereignty and independence of States.

It is essential that steps should be taken to put an end to the propaganda which is being conducted in a number of countries with the aim of inciting enmity and hatred among nations and preparing a new world war—propaganda which is incompatible with the fundamental purposes and principles of the United Nations.

It is the profound conviction of the delegation of the Union of Soviet Socialist Republics that all these steps will help to reduce the threat of a new world war and to strengthen international peace and security.

For these reasons the delegation of the Union of Soviet Socialist Republics has submitted a proposal to place on the agenda of the current session of the United Nations General Assembly the important and urgent item "Measures to avert the threat of a new world war and to reduce tension in international relations".

DOCUMENT A/2579**Report of the First Committee**

[Original text : English]
[27 November 1953]

1. By a letter dated 21 September 1953 (A/2485/Rev.1), addressed to the President of the General Assembly, the Chairman of the delegation of the Union of Soviet Socialist Republics requested that the following item should be included in the agenda of the eighth session of the General Assembly: "Measures to avert the threat of a new world war and to reduce tension in international

relations". A draft resolution was enclosed with the letter, and an explanatory memorandum (A/2485/Add.1) was submitted on the same date.

2. The USSR draft resolution provided, *inter alia*, that the General Assembly, noting that the cessation of hostilities in Korea had created more favourable con-

ditions for further action to avert the threat of a new world war, and that, in a number of countries, the armaments race was being continued on an even greater scale and that weapons of mass destruction were becoming ever more destructive, should (1) declare atomic, hydrogen and other types of weapons of mass destruction to be unconditionally prohibited, and instruct the Security Council to take immediate steps to prepare and implement an international agreement which would ensure the establishment of strict international control over the observance of this prohibition; (2) recommend to the five permanent members of the Security Council that they should reduce their armed forces by one-third within a year, and recommend to the Council itself that it should call as soon as possible an international conference for the carrying out by all States of the reduction of armaments; (3) recommend to the Security Council that it should take steps to ensure the elimination of military bases in the territories of other States; and (4) condemn the propaganda being conducted in a number of countries with the aim of inciting enmity and hatred among nations and preparing a new world war, and call upon all governments to take measures to put a stop to such propaganda.

3. At its 440th meeting on 22 September, the General Assembly decided to include the item in its agenda and referred it to the First Committee for consideration and report.

4. The First Committee considered the item at its 670th to 677th meetings, held between 19 and 27 November

1953. No amendment was submitted to the USSR draft resolution, nor was any other draft resolution introduced.

5. At the 676th meeting on 26 November the Committee proceeded to vote on the USSR draft resolution, with the following result :

PREAMBLE

The first paragraph was adopted by 21 votes to none, with 30 abstentions.

The second paragraph was rejected by 26 votes to 7, with 18 abstentions.

OPERATIVE PART

The paragraph beginning with the words "With the object", and operative paragraph 1 were rejected by 32 votes to 5, with 14 abstentions.

Paragraph 2 was rejected by 32 votes to 5, with 14 abstentions.

The first sub-paragraph of paragraph 3 was rejected by 29 votes to 12, with 9 abstentions.

The second sub-paragraph of paragraph 3 was rejected by 32 votes to 7, with 12 abstentions.

Paragraph 4 was rejected by 32 votes to 6, with 13 abstentions.

The Chairman declared that since none of the operative parts had been adopted, the draft resolution as a whole was to be considered rejected.

6. Consequently, no draft resolution was adopted by the First Committee under this item.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 461st plenary meeting, on 30 November 1953, the General Assembly rejected the draft resolution (A/L.168) submitted to it by the delegation of the Union of Soviet Socialist Republics after its rejection by the First Committee.

CHECK LIST OF DOCUMENTS

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A/2485	Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the eighth session		Replaced by A/2485/Rev.1
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A/C.1/L.75/Rev.3	Union of Soviet Socialist Republics: revised amendments to the draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, United Kingdom and United States (A/C.1/L.72/Rev.3)		Annexes, agenda item 23
A/C.1/L.88	Draft resolution adopted by the First Committee at its 669th meeting on 18 November 1953		Ibid.
A/L.168	Union of Soviet Socialist Republics: draft resolution		Same text as document A/2485/Rev.1

GENERAL ASSEMBLY



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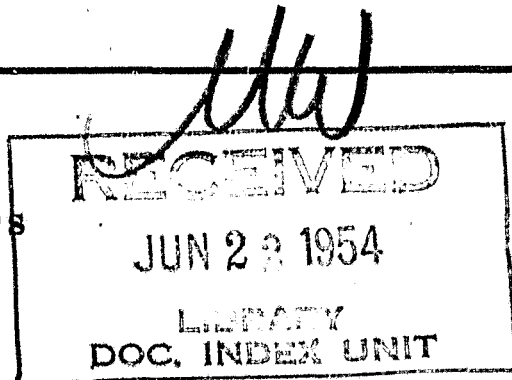
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HEADQUARTERS, NEW YORK, 1953

Agenda item 74: Question of atrocities committed by the North Korean and Chinese communist forces against United Nations prisoners of war in Korea

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DOCUMENT A/2531

United States of America: request for the inclusion of an additional item in the agenda of the eighth session

[Original text: English]
[30 October 1953]

LETTER DATED 30 OCTOBER 1953 FROM THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the Government of the United States of America, I have the honour to request that the following item be included in the agenda of the eighth regular session of the General Assembly:

“Question of atrocities committed by the North Korean and Chinese communist forces against United Nations prisoners of war in Korea.”

An explanatory memorandum, as required by rule 20 of the rules of procedure, will follow.

(Signed) Henry Cabot LODGE, Jr.

DOCUMENT A/2531/Add.1

United States of America: explanatory memorandum

[Original text: English]
[31 October 1953]

LETTER DATED 31 OCTOBER 1953 FROM THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL

Reference is made to my request of 30 October 1953 (A/2531) that there be included in the agenda of the present session of the General Assembly an item entitled:

"Question of atrocities committed by the North Korean and Chinese communist forces against United Nations prisoners of war in Korea."

In connexion with the above-mentioned request, and in compliance with rule 20 of the rules of procedure, an explanatory memorandum is enclosed.

(Signed) Henry Cabot LODGE, Jr.

EXPLANATORY MEMORANDUM

In the course of the United Nations action in Korea to repel aggression and restore international peace and security in the area, evidence was uncovered at various

times of atrocities committed by North Korean and Chinese communist forces. These atrocities were carried out against members of United Nations forces, as well as against the civilian population in Korea. Extensive and careful investigation has now verified that tens of thousands of United Nations soldiers and Korean civilians who had been captured by North Korean or Chinese communist aggressors subsequently were killed by beatings, deliberately planned starvation, cold-blooded murder, mutilation and torture.

The extent and nature of these atrocities should be brought to the attention of the General Assembly, particularly since these atrocities were committed against the forces of United Nations Members, engaged, under the authority of United Nations resolutions, in a collective action against aggression which has many elements of continuing concern to the General Assembly.

The United States Government was able only recently to carry the investigation of these atrocities to such a point as to warrant submission of this matter to the General Assembly for appropriate consideration.

DOCUMENT A/2563

Letter dated 26 November 1953 from the United States representative to the United Nations addressed to the Secretary-General, transmitting documents relevant to the question of atrocities in Korea

[Original text: English]
[26 November 1953]

Referring to the agenda item entitled "Question of atrocities committed by the North Korean and Chinese communist forces against United Nations prisoners of war in Korea", I have the honour to enclose a compilation of typical documents which are directly related to the forthcoming plenary consideration of this item.

I am also enclosing a copy of a letter dated 23 November 1953 from the Deputy Secretary of Defense, transmitting these documents to the Secretary of State, and of a letter from the Acting Deputy Under Secretary of State, dated 24 November 1953, transmitting these documents to the United States Mission to the United Nations.

I request that copies of all of these documents, together with this letter, be circulated to the delegations of all States Members of the United Nations.

(Signed) Henry Cabot LODGE, Jr.

Enclosure No. 1

Letter dated 24 November 1953 from the United States Acting Deputy Under Secretary of State, addressed to the United States representative to the United Nations.

In General Smith's absence today, I am forwarding the attached letter from Deputy Secretary of Defense Kyes, together with various case summaries and affidavits, for your use in the forthcoming General Assembly discussion of atrocities committed by the North Korean and Chinese communist forces in Korea. You may wish to have this material, including Mr. Kyes' letter, made a part of the record in your presentation of the facts.

(Signed) Robert MURPHY
Acting Deputy
Under Secretary of State

Enclosure No. 2

Letter dated 23 November 1953 from the United States Deputy Secretary of Defense, addressed to the United States Secretary of State.

In response to a request from the United States delegation to the United Nations, which was forwarded to the Department of Defense through the inter-departmental committee concerned with this matter, I have the honour to forward herewith the attached compilation of typical documents which are directly related to the forthcoming consideration of the atrocities committed by the North Korean and Chinese communist forces in Korea. These documents represent only a small part of the voluminous evidence of communist atrocities now in the custody of our military officials in the Far East and the Department of Defense.

This evidence was obtained largely through the investigations of the War Crimes Division of the Judge Advocate Section, Headquarters, Korean Communications Zone. A War Crimes Division was first set up by General MacArthur within the 8th Army in October 1950, after many reports had been received concerning atrocities and other crimes committed by the enemy. On 26 August 1952, the responsibilities were transferred by the Commander-in-Chief, United Nations Command, to the Commanding General, Korean Communications Zone. The mission assigned to this Division is to collect and investigate evidence of atrocities and other crimes committed by the enemy in violation of the laws and customs of war. When battlefield conditions made it possible, reported atrocities were checked on the spot by field investigation teams. These teams examined the site of reported incidents, attempted to locate the bodies or other

physical evidence of the crimes, and questioned the local population in search of witnesses or survivors. Close co-operation was maintained with the Graves Registration Units and with the Ministry of Home Affairs of the Republic of Korea. Further evidence of atrocities, particularly those taking place in prisoner-of-war camps, was obtained from United Nations Command prisoners repatriated in April 1953 and in August and September 1953.

Utmost care has been, and is being, used to ensure the accuracy of the facts presented. The War Crimes Division, Headquarters, Korean Communications Zone, has already completed an interim report summarizing its findings. This report, extensive portions of which were released on 28 October 1953, covered 1,615 atrocity cases in varying stages of development and was based on investigations through 30 June 1953.

For use as you deem appropriate in the United Nations, there are herewith attached summaries of eight of the individual case files, together with affidavits extracted from these files in support of the specific atrocity charges. The actual case files include numerous affidavits regarding each of these cases. Those selected are illustrative of the proof available to support the charges. The full case files are so lengthy that reproduction by the United States delegation does not appear to be practicable. These eight case files are available in the Department of Defense. The other case files are available in Korea if needed to demonstrate further the nature of the atrocities.

The extensive materials procured as a result of "Operation Big Switch" are now in process of compilation.

In addition to the material presented as part of the eight case files, there are also attached a few of the numerous affidavits made by United States prisoners repatriated in "Operation Big Switch" after the signing of the armistice, recording their brutal treatment at the hands of the Communists.

All of the documents attached involve atrocities committed by the North Korean Army, the North Korean Political Security Police, and the Chinese communist forces. These atrocities were carried out against captured United Nations Command prisoners of war and the Korean civilian population. Many of the atrocities occurred while the United Nations Forces were advancing and indicate a callous effort to kill off prisoners of war and civilians in communist hands before they could be rescued by our forces. The prisoners were shot down in cold blood, were burned alive in prison buildings, were beaten to death—all in total disregard of the rules and customs of war or of an elementary sense of common decency. In still other instances evidence demonstrates a deliberate attempt by the Communists to dispose of prisoners by forced marches in frigid weather under conditions in which they would either die of malnutrition and disease, expire because of untended wounds or become so weak that they could then be easily disposed of by open murder.

Finally, there were atrocities committed far behind the battle lines, in prisoner-of-war collection points, in permanent and semi-permanent prisoner-of-war camps and on the march between these points. By denial of food, absence of medical care, beatings, or outright shootings, the Communists attempted to force "confessions", coerce prisoners into supporting communist propaganda efforts, and turn prisoners into informers in the prison camps.

Statistics based on all the case files in our possession indicate that the grand total of probable atrocity victims is 29,815. This total includes 11,622 United Nations military; 17,354 civilian; and 839 unknown.

I wish to assure you, Mr. Secretary, of the earnest desire of the Department of Defense to provide all possible assistance in laying bare the facts of these terrible crimes committed against civilians and captured military personnel alike, in violation of all international standards of morality and decency.

(Signed) Roger P. Kyes

Enclosure No. 3

Compilation of typical documents*

PART I

1. KOREAN WAR CRIMES CASE No. 16

Date: 17 August 1950.

Place: Hill 303 (DQ 4785), about three miles north-east of Waegwan, Korea.

Victims: Forty-one American soldiers. Thirty-three have been identified, as follows:

Company "H", 5th Cavalry Regiment, 1st Cavalry Division: ..., Second Lieutenant; ..., Corporal; ..., Private First Class; ..., Private; ..., Corporal; ..., Private; ..., Private First Class; ..., Private; ..., Private; ..., Corporal; ..., Private; ..., Private; ..., Private; ..., Rct.; ..., Private; ..., Private First Class; ..., Private First Class; ..., Private First Class; ..., Corporal; ..., Private First Class; ..., Private First Class; ..., Private; ..., Private; ..., Private; ..., Rct.; ..., Private; ..., Private; ..., Private; ..., Private; ..., Private; ..., Corporal; ..., Private; ..., Private First Class.

Suspects: Chong Myong Dok and Kim Kwong Taek (both in custody).

On 15 August 1950, the 81-mm. Mortar Platoon of Company "H", 5th Cavalry Regiment, was in position north-east of Waegwan in the vicinity of hill No. 303 (DQ 4785).

At 0330 hours, Lieutenant ..., the platoon commander, became aware of unusual activity near his position. Lieutenant ... became concerned and concluded that this activity reflected the presence of enemy troops in considerable strength. He was afraid that the enemy might surround his position, so he telephoned Company "G", 5th Cavalry, and asked for reinforcements. He was informed that a platoon of sixty South Koreans would be sent up to him.

Private ..., Company "H", 5th Cavalry Regiment, states that about day-break they heard tank motors, and Koreans coming in their direction. He thought that they were the South Korean replacements because they were coming from the direction of Waegwan, where there was no enemy. The South Korean reinforcements were to be recognized by their platoon leader, Lieutenant Pak. Someone sent out to identify the patrol called to Lieutenant Pak and was answered by a blast from an automatic weapon. Lieutenant ..., still believing them to be friendly, withheld permission to fire. When the advancing patrol was recognized as North Korean it was too late to fire.

Private ... described the subsequent action: "They were in our foxholes shaking hands, and at the same time taking our weapons."

The North Koreans gathered the platoon together and took them to a nearby orchard. In the orchard their personal property, such as watches, dog-tags, billfolds and boots, was taken from them.

* Editor's note: In the case of geographical and proper names, no changes have been made in the spellings used in the original documents.

Following this the Americans' hands were bound behind their backs with either wire or their own boot-laces. After they had been bound, they were led to a road where two large Russian tanks were parked. These tanks were identified as bearing numbers 406 and 409, respectively.

The captives were told that they would be taken across the Naktong River that night, then sent to a Taejon prisoner-of-war camp. The North Koreans told them that they had about 5,000 American prisoners of war in Taejon.

During the time they were held captive they were moved at night, and hidden in ravines during the day. The night of 15 August 1950, two of the American prisoners of war succeeded in removing their bonds. This was discovered and the men were beaten to death with entrenching tools. The names of the two prisoners of war are unknown.

On the afternoon of 17 August 1950, the American prisoners of war were gathered in a ravine. In the distance they could hear the firing of small arms. Suddenly a group of North Koreans came over a ridge and started firing into the bound prisoners. As suddenly as the firing began it ceased. After about fifteen minutes Private ... heard someone say, "Are any of you guys alive?" Private ... and Corporal ... said that they were not hit.

On 17 August 1950 a patrol led by Sergeant ... came upon Private ..., who told them of the massacre. After hearing ...'s story, the patrol split. Some of the patrol went to the scene of the shootings. The other part of the patrol encircled the area and captured two North Koreans, who were later identified as Kim Kwong Taek and Chong Myong Dok. Kim Kwong Taek was identified as having been present at the shooting of the forty-one Americans. Chong Myong Dok was identified as having shot many of the deceased with a burp gun. Both of these men claim that they were mess boys for the North Korean soldiers and that they were not present at the scene of the massacre.

Statement

War Crimes Section,
Document No. 606

Prisoner-of-war enclosure No. 6
Koje Island, Republic of Korea
17 August 1951

I, Kim Kwong Taek, having been advised by War Crimes Investigator Mr. Mitsuo Maruyama that I do not have to make a statement if I so desire, do, voluntarily, of my own free will, without threats, force, fear, or hope or promise of reward, and with the knowledge that anything I write or say can be used against me in any future legal proceedings, make the following statement. I declare, further, that according to my conscience I will write the truth, that I will add nothing and that I will conceal nothing.

My personal data are as follows :

Name : Kim Kwong Taek ;
Permanent domicile : No. 599 Suk Tan-Ri, Un Yong-Myon, Jae Ryung-Gun, Hwang Hae-Do, North Korea ;
Present address : Same as above ;
Prisoner-of-war number : 217 ;
Date of birth : 20 March 1933 ;
Education : Three years, middle school ;
Occupation : Prior to entering the NKPA I was a student at the Un Yong Middle School.

Prior to my making this statement I have been interrogated by different persons on several different occasions at Waegwan, at Taegu, at Pusan, and also here on Koje Island. I was also given a lie detector test some time

in October 1950 at Pusan. To my knowledge I have never written or signed any statement. On all of these occasions when I was interrogated I did not exactly lie ; however, I also did not relate the complete true facts of the details which occurred in the vicinity of Waegwan between 15 and 17 August 1950.

I will now of my own free will write the true facts in the presence of Mr. Maruyama. I affirm that none of my prior interrogations or treatment will in any way affect what I say or write now.

I was conscripted into the NKPA at Haeju on 10 July 1950 as a private, while I was still a student at the Un Yong Middle School. I was given fifteen days of basic training at Haeju. On 25 July approximately 1,000 trainees, including myself, went by train to Taejon via Seoul. The officer who had accompanied our group turned us over to another officer (name and rank unknown) at Taejon. We were then arbitrarily formed into companies and platoons at Taejon. I was assigned to the 1st Platoon of the 1st Company. We were not assigned to any battalion or higher command to my knowledge. Each platoon consisted of fifty trainees and a total of five companies were formed. We remained in Taejon one day and with only three officers in charge (name and rank unknown) began marching towards the Naktong River by way of the Taejon to Waegwan road. While we were marching one of the officers told us we were replacements for the 206th Mechanized Infantry Regiment. We arrived in the vicinity of the Naktong River on the night of 11 August 1950. The 1st Platoon of the 1st Company was issued Russian rifles and together with a junior lieutenant, who had come from across the Naktong River, the 1st Platoon crossed the Naktong River at about 2000 hours, 12 August 1950. I do not know the name of the junior lieutenant. I think we crossed the Naktong River at a point located about four kilometres north of Waegwan. After crossing the river we walked south 100 metres and arrived at an apple orchard where many NKPA soldiers were resting.

Hereafter I will refer to that hill which is located due north of Waegwan and immediately east of the Naktong River and which is approximately 300 metres high at its highest point as hill 303.

After arriving at the apple orchard the officer then marched us up hill 303. We met a group of soldiers on the slope and it appeared that they were a part of the 206th Mechanized Infantry Regiment. At this point the members of my platoon were again reassigned to different units within the 206th Regiment. Private Chong Yong Hyuk and I were assigned to the 1st Squad, 2nd Platoon, 4th Company, 2nd Battalion of this Regiment. An officer, who was not wearing any epaulets, or any insignia of rank, told us that he was our 2nd Platoon leader and ordered Chong and I to dig fox-holes in the vicinity. The following day the entire 2nd Battalion began marching towards Waegwan on the road located between the Naktong River and hill 303. We arrived in Waegwan, after making one stop on the 14th at about 0300 hours, 15 August 1950. We remained in Waegwan for about thirty minutes and, together with other units that were in Waegwan, our battalion began marching in a north-easterly direction along a road which is located south-east of hill 303. At this time the marching column numbered between 800 and 1,000 men. Three North Korean tanks were leading the column at first, but when it became light a small enemy observation plane flew over us and the tanks drove off the road to cover. The column continued marching until at a point located one kilometre from Waegwan we encountered heavy small-arms fire. The entire column scattered towards the foot of hill 303. Our Company was ordered to remain on this hill. We did not dig any holes in this position, but stayed under cover under the trees and bushes. We remained at

this position until the morning of 17 August. Although on 15 August (there was quite a bit of firing in the valley located to the east of hill 303, we did not see or engage the enemy. On the 16th it appeared as if the UN Forces had retreated because the same area was very quiet.

Some time during the morning of 17 August 1950 the commander of the 4th Company (I do not know his name) came to our position and told our platoon leader (I do not know his name or rank) to gather six men from our platoon to guard American POW's. The platoon leader selected Private Chong Yong Hyuk, myself, and four others. The Company Commander and our platoon leader then led the six of us down the east slope of hill 303 to a group of seven houses. The group of farm houses was located at the foot of hill 303 and about one and one-half kilometres north-east of Waegwan. I saw about twenty-five or twenty-six American soldiers sitting under some trees at a spot located about ten metres from this group of farm houses. The Americans were all wearing UN Forces fatigue clothing and did not have any caps or helmets on. Some were without shoes and all had their hands tied, some with their hands in front, and some with their hands behind their backs. At the time we approached them only two NKPA soldiers were guarding them. They were armed with a Russian rifle and a Russian sub-machine gun. After we arrived these two soldiers disappeared. The six of us and our platoon leader assumed the duty of guarding the prisoners. I do not know the names of the other four EM. Meanwhile the remaining members of the 4th Company remained on top of hill 303. At that time I did not know where, by whom, or how these Americans had been captured. Since no one has ever told me these facts, I still do not know. The Company Commander after giving us orders to guard the Americans returned to the company position on top of hill 303.

We remained at the same spot with the Americans for about two hours. During this time we did not feed them, nor did we give them anything to drink. The prisoners did not escape nor did any attempt to escape while we were guarding them. During this time I was wearing a complete NKPA private's uniform of a greenish colour. I was also wearing epaulets with the private's insignia on it. My cap was a regular NKPA uniform cap, but there was no star on it. Cho Yong Hyuk was also wearing the same uniform as I was. All of the others had on faded old uniforms without epaulets. The reason Cho and I were wearing a complete uniform is that we were new replacements and had arrived with our clothing still intact. None of the officers or my platoon leader wore any epaulets or any other insignia or rank. I was armed with a Russian rifle.

At the end of two hours a messenger came from the Company and told the platoon leader that the Company Commander wanted us to bring the American POW's up to the Company position on the top of hill 303. At this time there was heavy artillery fire from the enemy and we also heard the sound of tanks. We marched the Americans up the hill to our Company position, which was located about 200 metres up the east slope of hill 303 from the group of seven farm houses. We made the POW's sit down. A few moments later three NKPA soldiers came running to our position. They were very excited and upon questioning stated that the UN Forces were closing in and wanted us to pack and retreat immediately. Our Company Commander then told the assembled Company, "You must get ready to retreat across the Naktong. If we take the Americans with us they will delay us, and we cannot go in a large group because of the air raids, so we must kill them!"

Our Company, the 4th Company, then consisted of about fifty men, including officers. None of the officers were wearing any epaulets or insignia of rank. The

entire Company then marched all of the American POW's down the hill to a ravine. This ravine was located about 200 or 300 metres due west and slightly up the east slope of hill 303 from the group of farm houses I previously mentioned. Some of the men and all of the officers had Russian sub-machine guns. I did not see any pistols. The rest of us were armed with American M1 rifles and Russian rifles. I had a Russian rifle. The Americans with their hands still tied were made to sit in the bottom of the ravine. They did not sit in any particular order or line and some were kneeling and some sitting. The members of the Company then climbed on both sides of the ravine. I climbed on the north edge of the ravine. The Company Commander, who was also on the north edge, gave the order to fire and the entire Company of fifty men fired into the American prisoners. I fired exactly five rounds from my rifle, aiming at a different American soldier each time. Since everyone was firing at the same time I do not know if I actually killed anyone or not, but each time I did fire I aimed at an American. The firing continued for about fifteen seconds or as long as it took me to fire five rounds with my bolt action rifle. The execution occurred at approximately 1200 hours, 17 August 1950. I do not know the names of any officer or EM who participated in this execution, except for Private Cho Yong Hyuk, who I did not see actually participate in the execution. All the persons who participated in this execution were members of the 4th Company, 2nd Battalion, 206th Mechanized Infantry Regiment. At the time of the execution I was still wearing my complete NKPA uniform, including the epaulets with the private's insignia on them.

Since the fire from the enemy was becoming intense we immediately left the area. No one remained behind to make certain that all the Americans were dead. The Americans were left lying in the ravine just as we shot them. As I was running away from the scene I saw Private Cho Yong Hyuk. Together with him and two other soldiers (name unknown) we ran towards the top of hill 303 and then parallel with the top in the direction of Waegwan. While trying to get over hill I was hit in my left leg by an enemy bullet. The bullet hit the bone and broke it and consequently I could not walk. I was hit at about 1230 hours. I was wounded at a point located about 300 metres south of the execution site. Cho Yong Hyuk carried me on his back down the hill to an aid station, which was located at the foot of hill 303 and about 300 metres south of the group of seven farm houses. One of the medics bandaged my leg with a handkerchief and I laid there. Cho told me I would be safe here and left. That is the last I have ever seen of him and I do not know what became of him. At this time there was about twenty other wounded soldiers at this aid station. At about 1400 hours UN Forces approached our aid station and all of the medics and wounded who could walk ran away. I could not walk so I remained behind with two others, one of whom I later learned was Chong Myong Tok.

We were captured by the Americans soon after. I do not know what happened to the third man who was captured with Chong Myong Tok and I.

Since I was only a replacement to my unit, and since I was not with them very long, I do not know the names of any of the officers, non-coms, or enlisted men. I doubt very much if I can recognize any of them, because at that time they were very dirty, had long hair and beards and were either wearing caps or helmets. The first time I saw Chong Myong Tok was at the aid station. I learned his name only after we had been captured. I do not know anything about him or of his connexion with the execution of the American POW's on 17 August 1950.

I have related the facts according to the best of my memory and knowledge.

I, Kim Kwong Taek, re-affirm that the above statement was made by me, voluntarily, of my own free will, and that in accordance with my conscience I certify that it is true and correct to the best of my knowledge and memory.

(Signed) KIM KWONG TAEK

Witness :

(Signed) KIM CHIN HWAN,

ID No. 21291,

Korean national.

Subscribed and sworn to before me, the undersigned authority, this 17th day of August, 1951 :

(Signed) MITSUO MARUYAMA
DAC, GS-9

War Crimes Investigator

Statement

Island of Koje (Republic of Korea)

17 August 1951

I, Kim Chin Hwan, a Korean national, upon being duly sworn by the undersigned authority in accordance with my religion do depose and state :

"That I am employed as a War Crimes Investigator by the War Crimes Section, Headquarters 8th Army and that I speak and understand English. That I was present at the time Kim Kwong Taek made the attached statement, to which I have signed my name as a witness. That prior to his making the statement I acted as an interpreter for Mr. Mitsuo Maruyama and told him, in the Korean language, that he need not make any statement if he so desired and that no force, threats or promises would be made to coerce him to make a statement and that in the event he did make a statement anything he said or wrote could be used against him in any future legal proceedings. That he replied he understood and would voluntarily of his own free will make a statement. That he proceeded to make the attached statement in the presence of Mr. Mitsuo Maruyama and myself, and that upon being duly sworn did sign the statement in our presence."

(Signed) KIM CHIN HWAN

Subscribed and sworn to before me, the undersigned authority, this 17th day of August, 1951.

(Signed) MITSUO MARUYAMA
DAC, GS-9

War Crimes Investigator

Certificate

30 August 1951

I, Mitsuo Maruyama, DAC, War Crimes Investigator, certify that I was present when Kim Kwong Taek made the attached statement on 17 August 1951 at the War Crimes Isolation POW Compound, Koje Island, Republic of Korea; that prior to his making the attached statement I explained to him in the Japanese language that he need not make any statement if he so desire, that no threats, force, or promises of rewards would be used to make him write a statement, that if he made any statement it must be purely voluntary, and that anything he wrote could be used against him in any future legal proceedings.

Kim Kwong Taek was also advised of his rights through Kim Chin Hwan, Korean national, Investigator, War Crimes Section, in the Korean language and he thereupon acknowledged in both Korean and Japanese that he understood his rights and voluntarily proceeded to make the attached statement in my presence.

At the conclusion of his statement Kim Kwong Taek was again advised of his rights and that if he so desired he need not sign the statement. He verbally stated in Japanese to the undersigned and in Korean to Kim Chin Hwan that his statement was true and correct and that he would voluntarily sign it. After being duly sworn by the undersigned, Kim Kwong Taek proceeded to sign the statement and also affixed his thumbprint thereto in the presence of the undersigned and Kim Chin Hwan.

(Signed) MITSUO MARUYAMA
DAC, GS-9

War Crimes Investigator

Subscribed and sworn to before me, the undersigned authority, this 31st day of August, 1951.

(Signed) JOHN W. WISEHEART
Lieutenant Colonel, JAGC

Statement

8 March 1952

Prisoner-of-war enclosure No. 9
Koje Do (Republic of Korea)

Name of prisoner of war : Heo Chang Keun.

Number of prisoner of war : 51714.

Statement taken by : Jung Sung Ho.

Statement translated by : Bak Tae Bong.

I, Heo Chang Keun, having been advised by Major Harlan A. Judd that I am not required to make any statement, do make this statement voluntarily, without force, threat, fear or hope of reward, and with the knowledge that it can be used in any legal proceedings. I declare, according to my conscience, that I will tell the truth, that I will add nothing and that I will conceal nothing.

The facts deposed

My name is Heo Chang Keun. My POW number is 51714. I was born on 19 March 1926. I am twenty-seven years old. My home address is at Bu Hung Ri, Nam Sin Myon, Hu Chang Gun, Pyon An Pukto.

I, Heo Chang Keun joined the NKPA at Hu Chang Up on 11 November 1949 and was assigned to the 105th Unit (tank unit) on the next day (12 November 1949). On 15 November 1949, I was transferred to the 3rd Squad, 2nd Platoon, Automatic Gun Company Tank Unit. I received Army training until 14 June 1950 and had an indoctrination course in Communism. On 16 June 1950, we left from Nam Chon and began to advance. We assembled near the 38th parallel (name of site unknown). After the Korean war broke out on 25 June 1950, we advanced to the front. We arrived Swoul on 10 July 1950 through Mun San. On 15 July 1950, we left Souel and proceeded to south. Around 25 July 1950, we advanced near the Naktong River through Taejon. I, Heo Chang Keun was transferred to the 203rd Unit as an assistant operator of the tank on 28 July 1950. End of the July 1950, we went across the Nakton River near the Waegan area, Kyong Sang Pukto, and participated in the Waegan battle. At dawn on 10 August 1950, we captured Waegan. On 11 August 1950, the 203rd Unit gave up the Waegan and withdrew from the hill No. 303. Here, one tank out of two tanks were put out of action. The Commanding Officer's tank No. 406 fell down into a hole about two kilometres' distance north of Waegan caused by the explosion of an artillery shell of the UN and it could not proceed any further. The six tank operators (including the Commanding Officer) withdrew from the hill No. 303 and went to the Staff Office at Kye-Kok on foot. In the afternoon on 12 August we were issued a new tank

for the Commanding Officer. The personnel in the new tank were the same soldiers as those in tank No. 406. The new tank was concealed in a trench beside a road at the foot of the hill No. 303.

About 1800 hours on 17 August 1950, when I together with the radio operator of the Commanding Officer's tank (name unknown, private) went to the Staff Officer's mess for supper, I saw about forty-five US POW's at the Staff Office. (I do not know about the POW's Unit. These POW's wore fatigue clothes. The half members were white and rest of others were coloured. Their hands were tied behind their backs.) I heard from my friend that these POW's were sent from the 3rd Division NKPA. I, together with the radio operator, went to our tank. After supper, the Commanding Officer of the tank came up to us and ordered through the Company Commander of the tank (name unknown, captain) the four tank operators; the driver, Kim Keun Hu (vice Platoon leader); the chief operator of the tank cannon, Tai Sang Bong (Squad leader); the radio operator (name unknown, private); and myself, Heo Chang Keun (private) to follow the Commanding Officer, Choi Eul Sook (two medium stars, lieutenant colonel), being armoured ourselves. We followed the Commanding Officer and came up to the hill side of the hill No. 303. Here, a Company Commander of the 3rd Division (name unknown; rank, captain) together with fifteen soldiers were guarding about forty-five US POW's whom I saw at the Staff Office before. The POW's stood in a trench with their hands tied. On order of the Commanding Officer, Choi Eul Suk, through the Company Commander, the four tank operators (including myself) and fifteen soldiers of 3rd Division were deposited in a line around three sides of the trench. (The trench was five metres in length, six metres width, one metre deep.)

At this time, the Commanding Officer ordered us to "ready" for fire. When we (nineteen members) were ready to shoot (four tank operators had automatic guns; the fifteen soldiers of the 3rd Division had Russian-made rifles), the Commanding Officer, Choi Eul Sook, ordered to "fire". As soon as we hear the order of fire, we nineteen men who were waiting for the order shot the US POW's altogether. About ten minutes later, on order of the Commanding Officer "cease fire", we stopped firing. After the firing, I saw the US POW's fell on the ground in the trench. The Commanding Officer told us that these US POW's we killed should have been sent to the rear, but we were obliged to kill them because the connexion between here and the rear unit was not complete and we did not have enough soldiers to escort them. Furthermore, the battle situation was serious. He gave us instructions that we have to keep this incident a secret. After the instruction, the Commanding Officer ordered four tank operators (including myself) to go back to our tanks. We four tank operators went back to the Commanding Officer's tank and reported to Company Commander (name unknown; rank, captain) about the execution. I do not know what happened to the dead bodies, nor have I ever heard about the disposition of the dead bodies. The site of the execution is attached to this report. I am able to find the site if I was taken there. On 17 and 18 August 1950, I fought at the No. 303 two days. On 19 August 1950, I was again transferred to Automatic Gun Company and served at the Staff Office. I had malaria disease toward the end of August 1950 and I received treatment at a civilian house in Tuk San village north of the Naktong River.

Around 10 September 1950, we began to retreat. On the way back my home through Kumchon, Kong Ju, Chon An, I was captured by the ROK Self-Defence Unit at the Chang Ho Won, Kyong Ki Do on 5 October 1950. Since I was transferred from the Unit, end of the August, 1950, I have never seen the twenty men (including the Com-

manding Officer of the 203rd Unit) who took part in the execution.

I, Heo Chang Keun, have had read to me the foregoing statement, consisting of seven pages, by Jang Sung Ho. Such statement was made by me voluntarily, without use of force, threat, fear or hope or offer of reward. Since the date of my capture on 5 October 1950, I have not been under undue influence or duress, nor have I been threatened, coerced or mistreated in any manner, any time or any place to cause me to make this statement.

2. KOREAN WAR CRIMES CASE NO. 28 A¹

Date : 26-27 September 1950.

Place : Taejon, Korea (CR 6020).

Victims : 1,000 to 5,000 South Korean soldiers and civilians; 42 American soldiers.

Suspects : All members of the North Korean Internal Security (Police) Agency while Taejon was occupied by the North Koreans.

During 26-27 September 1950, when the United Nations forces were advancing on Taejon, Korea, the city became the scene of mass murder. Many prisoners, both political and members of the armed forces of the United Nations, were executed by the North Korean Police Force. It is known that among the victims were forty-two American soldiers.

It is estimated that as many as 5,000 civilians met their death in Taejon during the two-day period. Many women were among the victims and in some instances with infants on their backs. Some of the prisoners appeared to have been tortured and beaten before they were killed.

At the Roman Catholic Church, hundreds of bodies were found in the basement and in the churchyard. Six shallow trenches, each approximately thirty feet in length, revealed the bodies of victims. The church had previously been used by the North Koreans as an interrogation centre for questioning civilians.

All of the American and Republic of Korea soldiers were kept in the Internal Security Building. During the early morning hours of 27 September 1950, they were taken from their rooms, or cells, their hands were tied and they were led into the courtyard to be executed. They were ordered to get into a shallow trench, or ditch, that ran along the inside of the prison wall. All of the prisoners that could not walk were carried on litters and dumped in the ditch. At that time they were shot and dirt was hastily thrown over them. Some of the victims were covered with dirt before they died. Sergeant First Class Carey H. Weinel and Private First Class ... were found alive on the next day by Kim Hong Kee, Korean labourer. Kim, with the assistance of some of his neighbours, removed the wounded from the common grave and cared for them until the arrival of friendly forces. Private First Class ... died while being evacuated.

The Americans, while interned, were beaten and starved. Their clothing and boots were taken from them. The medical attention tendered the sick and wounded hardly justifies the term. Random North Korean soldiers and civilians were allowed to enter the prison and abuse the Americans.

A black-board was found inside the prison that listed forty-three American and thirteen Republic of Korea soldiers as prisoners prior to the atrocity. This was further substantiated by a roster found on one of the

¹ Case No. 28 was changed to cases Nos. 28 A, B and C on 20 April 1952.

victims, . . . , and an accurate count of the bodies removed from the trench. One of the American soldiers died on 22 September and was not a victim of this incident.

Many bodies were found on a hillside behind the Taejon prison and in the Yongoyong River bed. As in the other cases, these bodies bore evidence of mutilation in addition to gunshot wounds.

Statement


Prisoner-of-war enclosure No. 7
Koje-Do (Republic of Korea)

1 October 1951

I, Song Hong Bom, having been advised by War Crimes Investigator Captain Donald W. Speck that I am not required to make any statement, do make this statement voluntarily, without force, threat, fear or hope of reward and with the knowledge that it can be used in any legal proceeding. I declare, according to my conscience, that I will tell the truth, that I will add nothing and that I will conceal nothing.

The facts deposed

My name is Song Hong Bom, and my PW No. is 75667. The date of my birth is 3 August 1923. I am twenty-nine years old. My home address is No. 361, Yong Yeon-ni, Yong Son Myon, Yeong Byong Gun, Pyongan-Pukto. I joined the NKPA, 3rd Squad, 2nd Platoon, 2nd Company, 5th Battalion, 9th Regiment, 3rd Division, at Siniju on 27 July 1950. My rank was private.

At 0300 hours on 27 September 1950, having prepared to retreat, we were taken to Taejon City Home Affairs Station in a truck under the command of our Company Commander (name unknown; his rank was lieutenant). We were driven in the courtyard of the Station through a gate. There were already about twenty-five persons of the Home Affairs Station and trenches were dug in the courtyard in this fashion: . I could see the people and the trenches well as it was bright moonlight. Here we and the members of the Home Affairs Station executed forty US POW's who had been confined in the jail under command of the column Staff Officer (name unknown, rank was major) of our Battalion. First the POW's were taken out in groups of five, tied together with wire, and put into the trenches. Then another group of five US POW's would be taken out. The last group were wounded POW's, and they were also thrown into the trench. Then our Company Commander ordered us to fire and we shot them. I shot two US POW's who were in the trench and killed them. We took out eight groups of POW's in groups of five and we executed forty of them simultaneously. They were all faced to the wall. I did not shoot toward a wall which was on my right side, but I could see a trench and bodies in it on my right side. Immediately after the execution we started to retreat by truck to Chonan. We did not stay to process the bodies. The other people (members of the Home Affairs Station) who were in the courtyard when we got there did not leave from there with us.

On 26 September 1951 I was taken to Taejon police station, which was the place of the execution in which I participated. I could recognize the place by the natural features and colours of the building. I was, at this time, with a South Korean policeman who said he was a survivor of the execution, the lieutenant who took me to Taejon, and a captain from War Crimes. I showed them the position where I stood at the time of execution. Some photographs were taken at this time. I could recognize my Company Commander and the column Staff Officer who commanded the execution if I could see them again. I was captured by the ROKA at Choon Chon, Kwang-wan-do, on 2 October 1950.

I, Song Hong Bom, have read the foregoing statement, consisting of four pages (including the sketch). Such statement was made by me voluntarily, without use of force, threat, fear or hope or offer of reward, and it is true to the best of my knowledge and belief.

(Signed) SONG HONG BOM

Affidavit

128th Station Hospital
Zama (Japan)

I, Sergeant First Class Carey H. Weinel, RA37009511, Company "C", 23rd Infantry Regiment, 2nd Division, United States Army, a citizen of the United States, with my permanent domicile at Route 3, Hickman Mills, Missouri, having been first duly sworn by Lieutenant Colonel Howard S. Levie, depose and say:

Questions by Colonel Levie:

Q. What is your full name, grade and serial number?
A. Weinel, Carey H., Sergeant First Class, 37009511.

Q. What was your organization?

A. Company "C", 23rd Infantry Regiment, 2nd Division.

Q. What is your home address?

A. Route 3, Hickman Mills, Missouri.

Q. Sergeant, I am going to ask you to tell the story of your capture and what happened to you after that, and then I will ask you any questions necessary to supplement your story.

A. I was captured on 30 August 1950. At Chinju our orders were to hold our positions at all costs in what we did until we were over-run by the enemy, and I was wounded in my left heel and right hip; then they took me capture before I could gather my senses again. They had done had me in their possession. There was approximately nine others taken capture at that time. After taking my dog-tags, throwing them away, taking my shoes, all personal belongings, they marched us to another place where they had some more prisoners. There was fifteen of us in all. There they held us until a high-ranking officer come and said that he was going to interview us. This high-ranking officer couldn't talk English and he had an interpreter with him who wasn't too good at it. He could talk and that was about it. He started asking us all kinds of questions about outfits we was with and whose outfits other outfits was fighting, and above all he wanted to find out if any UN troops had come in—Australians or any of them. They said if we told them the truth and would not lie we'd go to Seoul American prison camp and where they told us they had many, many prisoners. Course, we took that half-heartedly and let it go at that; however, there was a few of the men that didn't do a lot of talking—probably no more than what they already knew, but still they done. After quite a bit of conflict between the interpreter and ourselves they seemed pretty satisfied with this information and told us in two or three days we would be in Seoul. They took us to our old CP—old Company CP—and kept us there the rest of that day until two days later. While at the CP they gave us pretty good treatment—they treated us pretty good there; they gave us our own rations and stuff like that; however, by that time our planes were getting pretty warm on our necks. They strafed the building, hitting three of our own men. The rest of that day—the rest of the last day—they hid us in a ravine close by until dark. After dark we started marching at the town just before you cross the Naktong River—I forget the village's name—but it was right by Chinju. Right close to that they had a field hospital and they took all of our wounded men. That is the last

I saw of the wounded men. Walking, they marched us to the river, keeping us there approximately all night until early the next morning. Early the next morning we took a barge across the river and started toward Chinchu. After many days—I don't know how many days it was—after so many days we arrived at Chinchu. We was turned over to the police there and kept for two days. Our planes tore the jail up so they had to move us from there. As luck would have it one man was hit—not bad, but he was hit. From there they marched us to about thirty miles this side of Taejon. I don't know how many days it was. I lost count and track of time. At about thirty miles this side of Taejon we boarded a train and rode to Taejon. Upon arrival at Taejon they turned us over to the police and kept—there was, when we arrived there—that made forty-four Americans and approximately twenty-two South Koreans prisoners. Of the prisoners at Taejon two men died, leaving a total of forty-two Americans. Course, the South Koreans were still about twenty-two. While at the police station we got very little food. What we had mostly consisted of rice soup and real small rice balls. It was, more or less, open to people—you may as well say soldiers—North Korean soldiers. They would come in and harass us. Sometimes they would go as far as beat us up and take other clothing they saw that they wanted. We had very little left at that time. They seemed to get great joy out of letting us know they had the upper hand; that they were kingpins; that they were the boss; and anything they could do to show us that they was, was right up their alley. Now, on the morning of the 26th—the morning of the 26th we could hear American artillery from a distance. The 26th they had what they called a rice festival all that day and the starting of that night. The American artillery started coming in the night of the 26th in the village. There was a lot of commotion on the night of the 26th, all night long. Then during the morning they come up and woke up all the South Koreans, tied their hands together, and marched them out of the police station. Shortly after leaving we heard a volley of fire. That would be the morning of the 27th, now—right? The 26th is when this started—that would be the morning of the 27th. Shortly after the volley of fire they come up, told us that all men that could walk to get up; that we was going to Seoul. They started tying the men's hands—six and seven in a group—together. Six of us in a group and seven in another group until everybody was tied except our wounded. Then they started taking us out in groups. Shortly after people would leave we heard a volley of fire so we figured that they were shooting the men; however, I was with the last group. I was with the last group of walking men and they got to pushing us pretty close together and I saw the men in the group before me shot and also my group shot. After shooting all the groups they went back and got the wounded and threw them into the ditch and shot them also. Then, believing everybody was dead, they started covering the men up. As luck would have it they didn't put too much over me to smother me. I could breathe through the rocks and dirt, I didn't move. I pretended like I was dead. They shot at my head and hit my hand. That is how my hand got busted up. After they had us covered up they left us for dead. I stayed there about two hours before trying to get out, but my bounds was too tight. I couldn't get my hands loose. This hand was busted. I couldn't take hold. I finally got myself to a kneeling position and couldn't get any further. I stayed there all that day and up until the next day about eleven o'clock. I couldn't stand the pain no longer so I took a chance of hollering. Finally, South Koreans heard me and after a lot of arguing and persuading and begging and pleading and everything else they really went to work and got us out of there. There was another survivor, a man by the name of ... from New York, who died

shortly after he was liberated. We were liberated the evening of the 28th by the 24th Division. That is the story.

Q. Let me get a few additional points. You said that when you started toward Chinchu when you left the CP two men died. What did they die of?

A. They was hit, sir. They were hit by aircraft—our own aircraft; however, the wounded men we left at that hospital was there at that town right on the river. We left approximately nine men wounded there and I never did see them again.

Q. At that time were you wounded?

A. Yes. I was wounded, but I could walk.

Q. In the foot?

A. Yes, but I could manage to walk by struggling along.

Q. How were you treated during the period of time you were at the Taejon jail?

A. Pretty rough. What I mean is that we didn't have enough to eat for one thing, and another thing, anything they could do to antagonize us or anything like that, well, that is what they would do. We was, more or less, a three-ring circus for the North Korean soldiers.

Q. How did the guards treat you?

A. Well, some of the guards was all right and a few of them wasn't. The guards was about half and half. About half all right and half of them wasn't.

Q. Do you know the names of any of the guards?

A. Just one: Zall.

Q. How do you spell it?

A. I don't know. He was the only one. The rest had nicknames.

Q. Was he just an ordinary guard?

A. A guard, yes.

Q. He wasn't an officer in any way, in charge?

A. No. These two fellows in charge, the boys called them "Pop". The boys called them that when we got there.

Q. How did Zall treat you—treat American prisoners?

A. Pretty good. He was about the only one half way decent to the Americans.

Q. I believe you said these police were in charge?

A. Yes.

Q. Do you know anything about their unit? Were they city police or military police?

A. Well, the way I gathered it—the way I pictured it, they had been schooled by the North Koreans up in the north some place at some school. They had been sent to school and when they took over these towns they would take over. I mean they had men specially trained for that kind of work.

Q. Were there any officers in charge of the guards in that prison?

A. I never—there was a lot of officers in and out of there all the time, but, however, they seemed to be part of them and yet they didn't. It was hard to tell. You couldn't tell.

Q. Did the guards wear uniforms?

A. No, civilians—in civilian clothes.

Q. Do you know the names of any of the men who were in the group of six or seven men tied with you?

A. Tied with me?

Q. Yes.

A. Yes, sir. My captain. I don't know his name. I was only with him about ten days before we went up on the line and I don't remember his name. My first sergeant. His last name was ...; and in the group I was with there was He was from the 24th Division. I don't know his first name, but I know his name was ...;

and Sergeant ...—he said he was from the 1st Cavalry—and who else in the group with me—a fellow by the name of ..., a big fellow; and that is all I know of the group with me.

Q. Do you know the names of any of the men in the group just before yours?

A. In another group?

Q. The group before you that you say you saw executed.

A. I don't know any of their names, no; however, I know a few other names in the bunches.

Q. All right. You didn't actually see the other men shot—only the group before you and the wounded?

A. Yes.

Q. Will you state the names of any other men you knew in any other group?

A. A fellow by the name of ...

Q. And their organizations also if you know them.

A. Yes. I don't know his organization; however, there was a fellow from my company named ...—he was a medic; and ...—Private First Class—I don't know what his first name is; he was from my company. Course, Sergeant ..., the first sergeant of my company, and the captain; and there was another fellow by the name of ... He was from my company. He was a sergeant first class. ...—I got him. That seems to be all I can remember.

Q. Now, you stated that when the groups were tied together at the prison that the wounded were not tied together. About how many wounded were left there?

A. Approximately four of five.

Q. And then I understand that after your group had been shot the wounded were brought down?

A. Yes.

Q. You actually saw them shot?

A. Well, I didn't actually see them shot. I didn't dare move myself; however, I know darn well they threw them in the ditch.

Q. Do you know the names of any of those wounded?

A. Let's see—no, I don't. I knew one by the name of "Bill". He had one arm off.

Q. Were you facing the men who shot you?

A. No.

Q. Did you see any of the men who were doing the shooting as you came out of the prison?

A. Oh, yes.

Q. Approximately how many were there?

A. Approximately five or six of them were doing the shooting. They had M-1 rifles.

Q. Were they guards or some men you had seen before?

A. I had never seen them before.

Q. When you came out of the prison you say that the group ahead of you—that you were very close together. Did you see them actually shot?

A. Yes, I saw them make them get down in the ditch and I saw them actually doing the shooting with the group ahead of me.

Q. Will you describe that? How did they do it?

A. Well, they was all tied together. They marched them up to this ditch and motioned for them to get down in the ditch, and soon as they got down in the ditch they started letting them have it. They done my group the same way.

Q. I believe you said that it was on the 28th that the South Koreans took you out?

A. Yes.

Q. What did they do with you then?

A. They took me to one of the houses and hid me until the Americans come in that evening. They told me the Americans were coming in.

Q. These were civilians that took you in?

A. Yes. The civilians deserve a lot of credit. They risked their own lives to get us out of there.

Q. Do you know the names of any of the South Korean civilians that helped you?

A. I don't. This major that liberated me would. He knows the names of the men, how they tried to help me and give me medical care, and everything that happened. He has the names of all the men.

Q. He was from the 24th Division?

A. Yes, from the 24th Division.

Q. You don't know his name?

A. No, I don't. He was a great big fellow though.

Q. Can you think of anything that might help to identify any of the guards in that prison, or any of the men who were responsible for the shooting?

A. If we could find any of them police we could have it made. On that police they knew who gave the orders.

Q. Was the firing squad in uniform?

A. No.

Q. They weren't either?

A. I mean by that, part of them were soldiers and part of them wasn't. They didn't have uniforms on but they were all North Koreans, working with the North Koreans, because they were in a hurry to get out. They didn't know how close the Americans were to them and they was clearing out.

Q. Did you ever learn anything about the men who captured you—what unit they were with and where they were from?

A. No. Only one thing I can say is they were the units that were going up—replacements that had very little weapons; about two out of every thirty, I guess, had weapons. From the way I gathered it they picked weapons up on the line, but after we got so far back we never saw a whole lot of weapons—mass weapons. They would catch them here and there.

Q. You said the only other man who was alive when the Americans came up there was ..., and he died?

A. Yes.

Q. When did he die?

A. He died the night of the 28th.

Q. After you had been liberated?

A. Yes. He died on the way back from the second clearing station. ... was his last name and he was from New York. I couldn't tell what his unit was or what his first name was; however, this major does have that information. He has his full name and address.

Q. You don't, by any chance, know what unit of the 24th it was?

A. No, sir, I don't.

I further state that I have read the transcript of the foregoing statement made by me and that the same is true to the best of my knowledge and belief.

(Signed with a cross) Carey H. WEINEL
Sergeant First Class RA 37009511

Subscribed and sworn to before me, the undersigned, on this 10th day of October, 1950.

(Signed) Howard S. LEVIE
Lieutenant Colonel, JAGC 0-38735
Judge Advocate Section,
General Headquarters,
Far East Command

I certify that on 10 October 1950 Sergeant First Class Carey H. Weinell was unable to write his name because his right hand was bandaged; that he made his mark in my presence and with my assistance; that I made the

correction which appears on page one² at his request and that I initialled each of the seven pages which constitute his statement.

(Signed) Howard S. LEVIE
Lieutenant Colonel, JAGC

3. KOREAN WAR CRIMES CASE No. 28 B³

Statement

Koje-Do (Republic of Korea)
1 November 1951

Name : Moon Byong Ho.

Prisoner-of-war number : 16048.

Rank : Sergeant.

Age : 23.

Date of birth : 1 September 1929.

Military unit : 1st Platoon, 3rd Company, 591st Guard Battalion, attached to Preservation Ministry.

Home address : Kang Seo Chon 7th Koo Yun Hyun Song Kang Sung Dong Pook.

Name of Investigator : Pak Wi San.

I, Moon Byong Ho, having been advised by War Crimes Investigator First Lieutenant Nathan J. Roelofs that I do not have to make any statement, do make this statement voluntarily, without force, threat, fear or hope of reward, and with the knowledge that it can be used in any legal proceedings. I declare, according to my conscience, that I will tell the truth, that I will add nothing, and that I will conceal nothing.

The facts deposed

I joined the 1st Guard Battalion, rear section, Chinese Red Army on 10 August 1948. I was transferred to the 1st Platoon, 3rd Company, 591st Guard Battalion NKPA as the squad leader on 30 May 1950. On or around 1300 hours 17 July 1950 when we were at the entrance of Su Won City, hiding the truck because of an air raid, we saw one unidentified young man (looked about twenty-five years old) firing at us with a rifle from a distance of about thirty metres. We captured this young man. I shot the young man to death with a Russian rifle by order of the Junior Lieutenant, Heo Kyong Kook, on or around 1800 hours 17 July 1950. The spot of execution was held at the stone wall which is located about fifty metres from the road of the entrance of Su Won City. This road leads to Seoul. The young man was not blindfolded and his hands were not tied. I fired from a distance of about ten metres in his back. I left the dead body unburied there. I couldn't draw the sketch because the map of the execution site was not available. But I can lead you to the spot of the execution.

I participated in the killing of approximately 360 policemen and political prisoners at the Taejon prison on 25 September 1950. On or around 1800 hours 25 September 1950 we made forty prisoners go in the hole that was prepared beforehand, which is located at the foot of a hill beside a village which is located about one kilometre south-west of the Taejon prison. We made the POW's sit down facing us. The spaces between the POW's was about one metre. I stood on the right side of the hole. I, together with the officer of Home Affairs Station (name unknown, rank was senior lieutenant), shot the forty prisoners to death by order of the chief of the Taejon prison (name unknown, rank was major). I killed approx-

² This reference is to the fourth answer of the affidavit, where, in the second sentence, the phrase "until we were overrun by the enemy" originally read "until we were convicted by the enemy" (see above, p. 8).

³ Case No. 28 as changed to cases Nos. 28 A, B and C on 20 April 1952.

imately twenty prisoners with my burp gun, firing seventy-two rounds. About two hours later we made forty other prisoners go in another hole. We made the prisoners sit down the same way. I, together with the officer of Home Affairs Station (name unknown, rank was lieutenant), shot the prisoners to death by order of the chief of the Taejon prison. I killed approximately twenty prisoners with my burp gun, firing seventy-two rounds. The prisoners' hands were tied with straw but they were not blindfolded. We buried the dead bodies there. The spot of the execution was held at a place which is located about one kilometre south-west of the Taejon prison as shown in the enclosed sketch. I can lead you to the spot of the execution. On or around 1700 hours, 30 September 1950, I killed one unidentified young man (looked about twenty-nine years old) (name unknown) under the bridge which is located about five miles north of Taejon, by order of the junior lieutenant (name unknown). The reason why he was killed by me was because he didn't show us the road. I shot the young man from a distance of about three metres in his back with "model 45 pistol", firing one round. The young man was not blindfolded and his hands were not tied. I left the dead body unburied there. The spot of the execution was held under the bridge which is located about five miles north of Taejon as shown in the enclosed sketch. I can lead you to the spot of the execution. I was captured by the USA at Taejon on 30 September 1950. I signed and affixed my right thumb-print on the enclosed sketches.

(Signed) MOON BYONG HO

I, Moon Byong Ho, have read my statement, consisting of five pages, and I declare, according to my conscience, that it is true and correct, that I have added nothing, and I have concealed nothing, and further that I made the above statement freely and voluntarily without force, threat, fear or hope of reward.

(Signed) MOON BYONG HO

Statement

Taejon (Republic of Korea)
27 June 1952

Name : Eun Ok Tong.

Age : 30.

Date of birth : 10 January 1923.

Home address : No. 75 Munhwa-Dong Taejon City, Chungchon-Namdo.

Occupation : An employee of 171st Field Hospital.

Education : Finished three years of primary school.

I, Eun Ok Tong, do make this statement voluntarily, without force, threat, fear or hope of reward. I declare, according to my conscience, that it is true and correct.

The facts deposed

I was jailed in Taejon prison by NKPA and I am a man who survived the executing of South Korean political prisoners, so I am going to tell you about the facts as far as I know.

On or around 20 July 1950, as soon as the NKPA occupied Taejon City, I refuged to Yon San, located about ten miles south-west of Taejon. I stayed in a mountain of Yon San for five days and I returned to my home in order to get some news about my family on 25 July 1950.

On 27 July 1950, I was captured by Kim Ou Bong (now escaped), Eu Song Yol (escaped, his home address is Yuchon-Dong, Taejon City) and Pak Ing Kyu, member of NKPA (was executed by Home Affairs Department, ROK CIC) at my home. At 1500 hours on this day, I was taken to Yuchon-Myon NKPA Home Affairs Station by them. At that time, Yuchon-Myon NKPA Home Affairs Station was located near Yuchon Police Branch Box. The

reason why I was captured is that once I was engaged in the Intelligence Section, 8th ROK Division as a civil official and they got bad feelings with me. Of course, I known well the name of the chief of the NKPA Home Affair Taejon Station was unknown and his rank was a major general.

After I was jailed in Yuchon NKPA Home Affair Station for a day, I was removed to Taejon NKPA Home Affair Station. On this day, I saw three ROKA POW's at there and I was jailed with them in a same jail. The location of Taejon NKPA Home Affair Station was Taejon police station. Name of the chief of Taejon NKPA Home Affair Station was unknown and his rank was as ROK police major. I was interrogated by them for about ten days at Taejon NKPA Home Affair Station. An investigator was Pak Jae Kuk who was a chief of Munhwa-Dong North Korea People Committee and now he is engaging in Taejon prison. The management of interrogation was extreme maltreatment. I can't tell you his maltreatment while I was interrogated by him.

After they finished the interrogation for ten days, I was almost jailed in a jail and I could not come outside from the jail. After I was jailed in Taejon Home Affair Station for twenty-seven days, I was removed to Taejon prison on 25 August 1950. While I was in Taejon Home Affair Station, I saw thirty US POW's and they were detailed in cleaning around the house. They were jailed on second floor in this house.

At that time, there were fifty ROKA POW's who were jailed with me in a same jail, and there were about ninety South Korean prison in other jail. I do not know exact numbers of prison because they were removed occasionally from here to Taejon prison and the North Korea People Army Political Security Bureau.

While I was jailed in Taejon NKPA Home Affair Station, according to the news which were told by Lee Tong Sup, Lee Song Ki, An Hyi Yong, and To Chae Chul, (manager of jail), members of Home Affair, there were about seventy US POW's who were jailed in Chungchon Province Office by the NKPA.

After I removed to Taejon prison on 25 August 1950, I was confined No. 19 cell in No. 74 building. In this cell, fifteen South Korea civilian prisons and some policemen were confined already. At here, I was interrogated by the Chief of NKPA Political Security Unit twice. There were about 4,500 prisoners who were in Taejon prison. All the prisoners were policemen, officers of the Youth Defence Army, chiefs of South Korean Youth Association, chiefs of Myong Office and head men of villages. There were not confined US POW's in Taejon prison. As far as I know, US POW's were confined in Taejon police station and Chungchon Province office.

And then, on or around 23 September 1950, all the prisoners were confined each six prisoners in a cell. At that time, I was confined in No. 7 cell with other five prisoners.

At or around 1000 hours on 25 September 1950, two members of the NKPA Political Security Bureau came down my cell and they tied us two prisoners with our hands in back. They then tied up six prisoners. After we were tied up with our hands, at around 1100 hours on this day we were taken outside from Taejon prison with their convoying. When I came outside from Taejon prison, I heard the fact that a colonel, member of Political Security Bureau, ordered to execute all the prisoners until 1400 hours on this day. So I knew that we were going to the execution place. All the prisoners did not get meal for three days. Fifteen hundred prisoners were taken the first time from the Taejon prison. Then we went along road which was to Nonsan and arrived at a mountain foot behind Toma-Ri located about 2.5 miles from the above road.

They divided the prisoners up into some class, so I was taken to a mountain foot with other eighteen prisoners. At the mountain foot, they made us to sit on ground and then they began to fire with their burp guns and A-type rifles at a distance from ten metres our back. The executing was held by them at or around 1330 hours on this day. I do not know their name who led this executing and also who fired. They fired me with their rifle but I did not die and only I was wounded at my face. I rolled over mountain and disguised myself as a dead man until they went back. After executing, they inspected deeply the dead bodies and its numbers until 1400 hours. So they went back to Taejon prison.

After they went away, I crossed over a mountain and hid myself in a mountain until night. At or around 1700 hours on this day, I arrived in a civilian house and begged for meal. After I got a meal, I hid myself in a mountain. At or around 2400 hours on this day, I arrived my home. I hid myself in my house for three days and underwent medical treatment. During I underwent medical treatment, Kwon Xx, who was engaged in MP Company 2nd ROKA Division, with together a nurse called on me and they gave me some medical treatment. I underwent medical treatment in my home because my wound was very serious. On or around 29 September 1950 On Sae Kap, Taejon police station police private, called on me in order to find out dead body of his brother. So, I went to Taejon police station and saw the place where dead bodies of ROKA and USA soldiers were buried.

Many trenches were dug along the wall of back garden of Taejon police station and many dead bodies were buried in the trenches. As far as I saw, two US dead bodies were buried in the trench and I did not see directly the dead bodies of ROKA soldiers. I know that the trenches were dug by ten members of Sungnam-Dong, Taejon City Security Preservation Unit.

On or around 2 October 1950, I entered in Taejon hospital and underwent medical treatment. I do not know other massacre which were happened in Taejon police station and Taejon prison.

Anyhow, all of the prisoners who were confined in Taejon prison were executed. The numbers of the prisoners were about 4,500.

Affidavit

Pusan (Korea)

I, Captain Robert W. Shultice, 01593275, JAGC, after having been advised of my rights under the 24th Article of War, personally appeared before Lieutenant Colonel John W. Wiseheart, 0202138, JAGC, an officer authorized to administer oaths, and having been duly sworn, do depose and say as follows:

Early morning of 29 September 1950 upon orders from G-2, I Corps proceeded into Taejon with 1st Platoon, "G" Company, 19th Infantry. We reached the police station of the city and occupied it approximately 0730 hours. No sweat. The NKPA had evacuated the city. There were no signs of destruction in the building but everything was in disorder. Papers strewn about, desks tipped over, et cetera. However, the room used as an armory was in order and unlocked. The ammunition, rifles, machine guns and automatic rifles had not been disturbed. There were no bodies in the building or the storage sheds. The cell block in the police station was spotlessly clean. Had a polished look. Discovered later from survivors that UN prisoners were kept in the two back rooms on the second floor, the sick and wounded in the room furthest back. The floor of this room was covered with sleeping mats. Later in the day some one (?), I think a ROK policemen, who had arrived under the command of Major Verdi and his man Nam, found a number of small cardboard squares

with a name in English printed on it, and the word either "Soup" or "Ball", under one of the mats. By checking these names against rosters found later, it was discovered that these were meal tickets. There was no writing on the walls or notes under matting.

At about 0800 hours Lt ... (now dead) who talked to a very old Korean who lives in the tile house across the street from the rear end of the police station courtyard began digging in the covered-in air raid trench. Only about one-half of the entire trench was filled in. At a point indicated by the old Korean at the angle of the side and rear wall he uncovered a body. Discovered later to be that of the US soldier who had died on 22 September 1950.

Further brushing at the loose soil uncovered a group of five bodies near the gateway to the courtyard and others were uncovered further down the trench, about half way under a little tree that grows out of the dirt parapet that forms the wall of the courtyard.

Having established that the bodies were those of US soldiers and the weather being extremely hot the bodies were recovered with soil to preserve them in order that Graves Registration Service could more easily make identification.

By 0930, 29 September 1950, a number of Koreans had appeared at the gate to give assistance and information. Lee Bom Il and Hahn Johnson volunteered as interpreters. Statements through them were taken down by Sergeant Hogan, JA Section, 24th Division, who had accompanied me into town.

The gist of the statements were that on the morning of 28 September passers-by had heard the sounds of a voice in the courtyard and after some looking around for Communist police, (who had left early in the morning of the 27th, after shooting the PW's) they entered the gate which was partially open and broken at one hinge. This was approximately 1100 hours on 28 September. The heads and arms of a number of people showed above the dirt that had been thrown on them.

The Koreans found one man alive about one-third of the way down the filled-in trench. They dug him partially out and tried to lift him but discovered that he was tied by the wrist to two dead men. They cut him away and lifted him out of the trench. Quite a number of people had come to assist by this time. Some went along the trench looking and found another US soldier alive against the back wall. He also was tied by the wrists to dead men. This was Private First Class ..., who later died while being evacuated. The first soldier rescued was Sergeant First Class Carey H. Weinel. A further search disclosed no other men alive. The two wounded soldiers were taken to the tile-roofed house across the side street and cared for by two women who volunteered to do it, although there were NKPA in the city at that time.

The old Korean mentioned before lives in that house. He protested because of the NKPA.

The Koreans then, after ascertaining that all the others that they could see were dead, lightly covered all the bodies with soil. The shovels and hose used were gotten from a pile the Communists had collected behind the Provincial Building at the head of the main street.

Some Korean brought word of the two wounded soldiers to the US lines and a patrol and ambulance went into the city about dusk, 28 September, and brought the two men out. They were not fired on although there were NKPA in the town.

The morning of 29 September 1950, Lee Bom Il found a Korean note-book on the floor of the large room on the right of the police station as one enters the rear door. It contained a list of American prisoners and there were

forty-three names. The names were in the Korean language. Lee and Sergeant Hogan translated them to English, using the meal tickets to help. Most of the names were easily translated.

Guards were posted so that the bodies would not be disturbed until Graves Registration Service arrived.

There were numerous reports of atrocities so I proceeded to investigate them, looking for American dead.

There was a report of bodies of US soldiers found dead on their litter in the river bed but I never did find them after several attempts.

The Taejon prison had in the yard two long trenches full of Korean dead. They were three abreast squatting between each other's legs, back to chest. These trenches were full and many more were lying on or close to the dirt mounds made by digging the trenches. Bodies were lying by ones, twos and threes over the entire enclosure and both wells were choked with dead. Most of these I observed had been shot in the back or top of the head, although some had been shot through the body. I observed no sign of mutilation although there may have been some present.

It appeared to me here and every place else that preparation had been made for mass executions, but hurriedly, and that the preparation was incomplete. From observation and local reports, these executions took place on 26 and 27 September 1950 and except for the police station no attempt was made to cover the dead in the prepared mass graves; there were not nearly enough graves prepared for the number killed. The executions themselves were very hurried and far from thorough. There are numerous survivors.

Went to the Catholic Church where I was told there were some bodies of missionaries or American soldiers. I could not find them. The church basement was crammed with dead, some women. Two large trenches near the church were full—just like the ones at the prison, and other bodies lying about.

On the same hill—the church—to the north, there is a natural amphitheatre and here approximately 500 Koreans had been shot, probably with automatic weapons.

I visited ten or more places reported and discovered Korean dead, mostly with their hands tied behind them with wire. There were groups of three to fifteen.

This was in and north of the city.

Neither myself nor the CIC found any US soldiers dead, except in the police station yard.

The morning of 1 October 1950 Graves Registration Service began uncovering the dead US prisoners of war in the police station yard. The work progressed slowly due to lack of personnel but it was well done. The weather was extremely hot and Captain Berry, GRO of 24th Division, directed that only one or two, when possible, be uncovered at a time. I was present when the first five were removed from the ditch near the courtyard gate. Their hands were tied, one man's wrist to the next man's wrist, with what is commonly called police cord. About the size of a sash cord. Some of these bodies had larger wounds in their heads as well as bullet wounds. Further down the trench, when uncovered, another group was found and a heavy Korean hatchet was sticking partially into the back of the trench and partly in a man's neck, just below his right ear. His head was crushed, also. Apparently what happened was that when the group of soldiers were forced into the ditch they were then shot with a burp gun or two; when they fell some had their heads up and these were struck with the hatchet because none of the men underneath had head injuries. This instrument was used on men in the ditch beginning at the gate, to about half way down that ditch.

In the middle of the ditch along the back wall of the courtyard fifteen Korean bodies were found. From the

black-board, only thirteen were expected to be found. Also I talked to two South Koreans who survived the shooting at the police station. One, a South Korean soldier, was in bad shape but will live. He is willing to talk but is confused and vague. The other was a South Korean policeman with a broken leg. A good witness. There may be more South Koreans who escaped but I doubt it. The policeman was, according to him, the last taken out. He was carried out on a stretcher, dumped in the ditch no where near the others and shot at and missed. No attempt was made to cover him. He was dumped into the ditch under the concrete sentry box on top of the wall, he says. It was still dark when he was shot at and he could not see in the yard.

The processing of the forty American dead took four of five days and during this time various articles were found on the bodies. In one pocket was found a roster with forty-three names on it, stating that one went to the Taejon hospital and one man had died; this was in English and printed. This roster checks with the number of bodies found in the trench. Only the man who went to the hospital is unaccounted for.

On 1 or 2 October, either Lee or Hahn reading a black-board in a small room in the police station, used by me to question witnesses, found a reference on it to some report that had to be made to Seoul. It listed the forty-three US PW's and thirteen Koreans. A picture was taken of the board by Captain Cowan, IG, 24th Division. (In file)

During this investigation a UN Atrocity Commission team arrived, viewed the scene and questioned witnesses. A Canadian Flight Officer was the head of this Board.

In the police station numerous articles of North Korean Security Force uniforms were found, also some pieces of NKPA uniforms. At the prison and Catholic Church caps and shoulder-boards of one of the Security Force were found.

The South Korean wounded policeman whom I interviewed stated that he thought that the people who killed the prisoners of war in the Taejon courtyard were North Korean soldiers because they used burp guns and the Security Forces never carried these weapons. However, automatic weapons were found in the armory in the police station.

I have nothing further to add to this statement regarding the Taejon massacre.

My home address is 834 Westover Avenue, Norfolk, Virginia.

Robert W. SHULTICE, 01593275
Captain, JAGC

Sworn to and subscribed before me this 26th day of May, 1951, at Pusan, Korea.

John W. WISEHEART
Lieutenant Colonel, JAGC

Certified true copy :
(Signed) John A. FATAN
WOJG, USA

4. KOREAN WAR CRIMES CASE NO. 32

Date : 27 September 1950.

Place : Sochon, Korea (BO 6294).

Victims : Approximately 280 South Korean land-owners, policemen and government officials.

Suspects : Chung Uck, jail guard ; Kim, jail guard ; Lee Ku Myong, Province Governor during North Korean occupation ; and all members of the North Korean Security Police at Sochon during September 1950.

At approximately 0100 hours, 27 September 1950, the jail and the Registrar of the Courts Building at Sochon, Korea, were burned by the North Korean Occupation Forces just prior to their withdrawal. The prisoners, consisting of Korean land-owners, policemen and government officials, being held in the buildings, perished in the blaze. The local populace alleged that there were 280 victims. On 3 October 1950, thirty-two charred bodies were counted at the scene by Colonel Burton F. Ellis, 029033, JAGC, Headquarters, 2nd Infantry Division.

Colonel Ellis states : "I visited the site of the Registrar of the Courts Building at Sochon, Korea. There I observed that the building had been recently burned to the ground. Adjacent thereto was the remains of a small brick building of approximately eighteen by twenty-four feet, outside dimensions, which appeared to have been a jail. This building had recently had the roof burned off and the inside was completely burned out. Inside this jail building, I observed the burned remains of three human bodies. Outside and in the immediate vicinity of the jail, all within the compound of the Registrar of the Courts Building, I counted an additional twenty-nine human bodies, making a total of thirty-two that were charred and burned. These bodies appeared to be those of male Koreans who had been dead for four or five days."

Yun Kap Tuck, Chief of Security, Police Station, Sochon, Korea, said that he saw the fire but could not go near it. He said the enemy forces were surrounding the building and he could hear the prisoners yelling, "Republic of Korea, Victory." He further states :

"On 28 September at 0800 hours, the door of the jail was opened and at 0830 I went to the jail. The families were taking the bodies away and I estimate about thirty were being removed. The guards at the jail were Chung Uck and Kim. The others I do not know but they belonged to the Security Police. I do not know where they are. The Communist Party is responsible for the burning of the prisoners at the jail. During the Communist occupation, Lee Ku Myong was the Province Governor living in Sochon. He was thirty-five years old and a North Korean. He organized the Communist underground here."

Rim Wan Sun, a member of the City Police at Sochon, was taken to the jail with about forty other prisoners at about 2100 hours on 24 September. He says :

"At 0100 hours, 27 September 1950, a large number of additional prisoners were crowded into the jail. There was approximately one hundred and fifty already in the jail at that time. The guard (name unknown) asked for those who were relatives of Communists and I said I was and they released me. I then went to my home about 100 metres north of the jail. When I reached my home I noticed the jail and the Registrar of the Courts Building was on fire. I never returned to the jail until today and then I saw many charred bodies that showed they had been in the fire, and the jail and the Registrar of the Courts Building were burned to the ground. I do not know the names of any of my fellow prisoners."

19 December 1951, BQ 6294 to BQ 9495.
On record as case : 6 March 1952.

Statement

Sochon (Korea)

3 October 1950

I, Yun Kap Tuck, Chief of Security, Sochon, Korea. At about 0100 hours 27 September 1950 I saw the jail and the Registrar of the Courts Building were afire. It was surrounded by enemy and I could not go near but I heard the prisoners calling, "Republic of Korea, Vic-

tory". At 0800 hours 27 September I went to the jail but did not see the bodies. On 28 September at 0800 hours the door of the jail was opened and at 0830 hours I went again to the jail. The families were taking the bodies away and I estimate about thirty were being removed. The guards at the jail were Chung Uck and Kim. The others I do not know but belonged to the Security Police. I do not know where they are. The Communist Party is responsible for the burning of the prisoners at the jail. During the Communist occupation Lee Ku Myong was the Province Governor living in Sochon. He was thirty-five years old and a North Korean. He organized the Communist underground here. The names of some of the burned in the jail to death people are :

- | | | | |
|----------------|----------|----------------|----------|
| 1. Yun | (Sochon) | 10. Lee | (Sochon) |
| 2. Yun | " | 11. Han | " |
| 3. Lee | " | 12. Han | " |
| 4. Chang | " | 13. Han | " |
| 5. Kim | " | 14. Han | " |
| 6. Kim | " | 15. Lee | " |
| 7. Su | " | 16. Lee | " |
| 8. Kang | " | 17. Shin | " |
| 9. Hong | " | | |

(Signed in Korean) YUN KAP TUCK

Witness :

(Signed) Burton F. ELLIS
Colonel, JAGC

(Signed in Korean) LEE KUN PYUNG

A true copy :

(Signed) Carl E. PHILLIPS
CWO, USA
Assistant Adjutant,
2nd Infantry Division

Statement

Sochon, Korea,
3 October 1950

I, Rim Wan Sun, a City Policeman of Sochon, Korea, was placed in custody at 0900 hours 24 September 1950 by unknown members of the North Korean Army. At 2100 hours on the 24th I was taken with forty other prisoners and placed in the small jail next to the Registrar of the Courts Building. There were approximately 150 persons already in this small jail. At 0100 hours 27 September 1950 a large number of additional prisoners were crowded into the jail. The guard (name unknown) ask for those who were relatives of Communists and I said I was and they then released me. I then went to my home about 100 metres north of the jail. When I reached my home I noticed the jail and the Registrar of Courts Building was on fire. I never returned to the jail until today and then I saw many charred bodies that showed they had been in a fire and the jail and Registrar of Courts Building were burned to the ground. I do not know the names of any of my fellow prisoners.

(Signed in Korean) RIM WAN SUN

Witness :

(Signed) Burton F. ELLIS
Colonel, JAGC

(Signed in Korean) Captain PARKS SANG HOON

A true copy :

(Signed) Carl E. PHILLIPS
CWO, USA
Assistant Adjutant,
2nd Infantry Division

Statement

City Jail Sochon (Korea)
3 October 1950

I, Colonel Burton F. Ellis, 0-29033, JAGC, Headquarters, 2nd Infantry Division, APO 248, being duly sworn, depose and say :

That I have just visited the site of the Registrar of the Courts Building of Sochon, Korea. There I observed that the building had been recently burned to the ground. Adjacent thereto was the remains of a small brick building of approximately eighteen feet by twenty-four feet, outside dimensions, which appeared to have been a jail. This building had recently had the roof burned off and the inside was completely burned out. Inside this jail building I observed the burned remains of three human bodies. Outside and in the immediate vicinity of the jail, all within the compound of the Registrar of the Courts Building, I counted an additional twenty-nine human bodies, making a total of thirty-two that were all charred and burned. These bodies appeared to be those of male Koreans who had been dead for four or five days.

(Signed) Burton F. ELLIS
Colonel, JAGC

Subscribed and sworn to before me this 7th day of October, 1950.

(Signed) Bruce C. BABBITT
Captain, JAGC

A true copy :

(Signed) Carl E. PHILLIPS
CWO, USA
Assistant Adjutant,
2nd Infantry Division

5. KOREAN WAR CRIMES CASE No. 49

Date : 15 September 1950.

Place : Inchon.

Victims : 53 Koreans civilians killed ; 28 wounded ; 21 survivors.

Suspects : Kim Dong Sik, and other Inchon prison guards.

On the night of 15 September 1950 approximately fifty-three Koreans civilians were killed and twenty-eight others were wounded when three guards at the Inchon police station attempted to murder all of the democratic leaders and United Nations sympathizers incarcerated in the jail.

About 1700 hours, 15 September 1950, three guards, Pak Ki Pun, Lee Sun Tol, Kim Dong Sik, armed with carbines, went to the cells and told the prisoners to sit in two rows instead of the customary three. Later, the guards returned and began firing through the bars into cell 16. They proceeded on through cells numbered 15, 13, 12, 11, 10 and 9 in the same manner. When their ammunition was exhausted, the guards left.

Preceding the mass murder, some of the prisoners had been interrogated three and four times and were forced to "confess" to imaginary crimes by beatings and "water treatments". Even though the prisoners would "confess" to any crime they were accused of, they were victims of the same treatment many times.

Some of the prisoners had been arrested for having in their possession leaflets dropped by American planes ; others were arrested because they failed to volunteer in the North Korean Army.

Kim Dong Sik, one of the jail guards at the time of the atrocity, has been apprehended.

6 March 1952 : on record as case.

Report

1 May 1951

Synopsis

On 3 July 1950 the NKPA occupied the city of Inchon, Korea. During their occupation of the city, which lasted until 15 September 1950, the NKPA arrested many persons considered to be anti-Communist and confined them to cells on the second floor of the Inchon police station jail. On 15 September 1950, the UN Forces placed the city under naval and air bombardment and the North Korean Security Force in charge of the jail shot into the cells containing the political prisoners, killing fifty-three and wounding twenty-eight. Twenty-one of the political prisoners escaped unharmed. After the shooting the North Koreans evacuated the city.

Survivors stated that the following participated in the shooting: Pak Ki Pun, Lee Sun Tol, Kim Dong Sik, Kim Hak Yong, Lim Sang Chan, and Master Sergeant Choi Dong Hyun. Master Sergeant Choi Dong Hyun was in charge of the jail at the time of the shooting.

Order of Battle Section, this Headquarters, list the 6th Battalion, 10th RR Security Brigade and the Headquarters of the 7th Battalion, 10th RR Security Brigade were located in Inchon, Korea, from 25 August 1950 to 15 September 1950.

Details

1. This investigation is predicated upon receipt of a report from the Staff Judge Advocate, 3rd Logistical Command, APO 973, dated 17 October 1950, to the effect that approximately 102 Korean nationals who had been held as political prisoners of the civil police in Inchon, Korea, during the occupation of the city by the North Korean Army had been either killed or wounded by the North Koreans at about 1900 hours, 15 September 1950.

2. On 3 October 1950, Kim Chong Won (Korean symbols) was interviewed by Captain Noel J. Cipriano, JAGC, 3rd Logistical Command and he stated substantially as follows: He was in charge of investigations at the Inchon police station until 3 July 1950, when the North Korean Army occupied the city. He fled south, but was captured at Suwon and was imprisoned in the Inchon police station jail. He was confined to cell No. 15 on the second floor of the jail along with other political prisoners. The first floor contained criminal prisoners. On 15 September 1950, the UN Forces bombarded the city and the criminal prisoners were released. At about 1900 hours, 15 September 1950, three members of the NKPA Security Force, Pak Ki Pun (Korean symbols), Lee Sum Tol (Korean symbols) and Kim Dong Sik (Korean symbols) ordered the political prisoners to form two rows and sit on the floor. They then returned to the first floor until 1930 hours the same day, at which time they returned to the second floor and began to fire into the cells. There were fifteen prisoners in his cell. Ten of them were killed and he and four other prisoners survived. About twenty minutes after the shooting the five survivors broke out of their cell and fled. Before fleeing he looked into all the cells on the second floor, but couldn't tell exactly how many had been killed in each cell. While leaving the building he found some prison records which one of the jailers had dropped while fleeing. On 16 September 1950 he reported the incident to the United States Marines, but they did not investigate the matter at that time. He then returned to the jail and at that time counted fifty-three bodies in the cells on the second floor. He estimated that more had been killed because, according to the prison records he had found when fleeing from the jail on the previous day, 195 prisoners were confined to the jail and because relatives of the deceased were then in the process of removing bodies from the jail. Kim Chong Won's statement is included in the case file.

3. On 19 October 1950, Kim Chong Won was again interviewed by Captain Cipriano and an additional statement was obtained which included a list of those killed, wounded, and those who survived. This statement is included in the case file.

4. On 4 October 1950, Mr. Ha Hei Chu (Korean symbols) was interviewed by Captain Cipriano and a statement was obtained. Ha Hei Chu stated substantially as follows: On 5 July 1950 he left Inchon because the Communist police were looking for him because of his affiliation with the ROK civilian defence. On 6 September 1950 he was forced to return to Inchon in search of food and was apprehended by the police. He was confined to cell No. 9 on the second floor of the Inchon police station jail along with former ROK policemen, government officials, telegraph operators, and members of the Young Men's Association. On the evening of 15 September 1950, all the criminal prisoners who were confined to the first floor were released. Shortly after their release three Communist detectives who were residents of Inchon ordered the prisoners to sit in two rows facing the wall. As soon as this was accomplished he heard shots being fired into a near-by cell. Then shots were fired into his cell and he lapsed into unconsciousness for about thirty minutes. When he awoke he found thirteen of the occupants of his cell dead and the fourteenth wounded. He left the jail and did not look into the other cells; thus he couldn't state how many were killed in each cell. Mr. Ha's statement is included in the case file.

5. On 18 October 1950, a Summary of Information was received from the 3rd Logistical Command CIC, APO 973. This report indicated that the Bu Byong police had on 16 October 1950 informed the CIC that they had arrested Lim Sang Chan, a member of the People's Committee, Inchon, Korea. Lim had volunteered his services to the North Korean police upon their occupation of Inchon. His duties with the police had consisted of searching homes and confiscating property. On 15 September 1950, when UN Forces invaded Inchon, he massacred approximately seventy persons of the ROK Army, police, and peaceable rightist citizens who were kept in detention in Inchon. He had then fled to hills. He was captured and escaped on the way to the prisoner-of-war camp and hid in the Bu Byong area, where he was captured by the local police. The Summary of Information is included in the case file.

6. On 15 February 1951, at Pusan, Korea, Captain Earl E. Faurot, War Crimes Division, contacted Mr. Che Ki Hyo (Korean symbols), Police Superintendent, Chief of Investigation Section, Kyonggi Do Provincial Police Bureau, Inchon, Korea and requested information relative to the capture of and the present whereabouts of Lim Sang Chan. On 22 February 1951, a negative answer was received from Mr. Che Ki Hyo.

7. On 1 October 1950, Captain Cipriano obtained a statement from Mr. Paik Yun Man (Korean symbols), in which he stated substantially as follows: He was arrested by the NKPA on 28 August 1950. He was confined to the Mun Hak jail for one night and then transferred to the Inchon police station jail. He was confined to cell No. 15 on the second floor along with other political prisoners. There were seven cells on the second floor, each containing about fifteen prisoners. When the Americans began to shell the city the prisoners were made to sit on the floor of the cells in three rows, except during sleeping hours. This continued for about five days until the evening of 15 September 1950, when they were made to sit in two rows instead of the usual three. On 15 September 1950, a soldier fired through the bars into his cell killing two of the inmates and wounding four.

From stories he heard from other survivors, the Communists had fired into each cell at the same time. The soldier who fired into his cell fired nine times and then said the ammunition was exhausted and that they should leave. When the survivors of his cell heard survivors of the other cells breaking out they did the same thing. The shooting had occurred at night because it was dark and the only light available was from burning houses in the area.

(NOTE: Paik states that two of the inmates in his cell were killed, whereas Kim Chong Won [paragraph 2 above], who was confined to the same cell, states ten were killed and five survived.)

8. On 12 April 1951, Mr. Shin Ik Gyoon, 290 Ul Mok Dong, Inchon, Korea, was interviewed by First Lieutenant Robert P. Cahill, 0-1799239, War Crimes Division Investigating Officer, and a statement was obtained. Shin Ik Gyoon stated substantially as follows: He has been a member of the ROKA CIC for one year. On about 3 July 1950, the North Korean People's Army occupied Inchon and he was arrested and confined to the Inchon police station jail. He was released from jail on about 1 August 1950 and again confined to the jail on about 6 August 1950. On 15 September 1950 he was confined to cell No. 10 on the second floor of the jail along with ... other political prisoners, who were confined to cells on the first floor, were released. About thirty minutes after this, Pak Ki Pun (Korean symbols) brought ten armed guards to the second floor. After ordering the prisoners to line up in two lines and turn their backs he ordered the guards to go to each cell. When this had been accomplished the guards began to shoot into the cells. There were fifteen prisoners in his cell and eight of them were killed. Kim Hak Yong (Korean symbols), Cho Soon Tol (Korean symbols), and Che (Korean symbol) (remainder of name unknown) were guards at the Inchon police station jail. Master Sergeant Choi (Korean symbol) (remainder of name unknown) was in charge of the jail. He described Pak Ki Pun as follows: five feet, ... inches, 150 pounds, round face, deep voice, and a swaggering walk. He further stated that Pak Ki Pun wore the uniform of a corporal of the North Korean Security Forces. He described Master Sergeant Choi as follows: five feet, six inches, 150 pounds, long face, deep voice. Choi wore the uniform of a Master Sergeant of the North Korean Security Forces. He described Kim Hak Yong as follows: five feet, two inches, 135 pounds, small face with numerous freckles, and near-sighted. Kim Hak Yong wore the uniform of a corporal of the North Korean Security Forces. He described Cho Soon Tol as follows: five feet, three inches, 140 pounds, and light complexion. Shin Ik Gyoon's statement is included in the case file.

(NOTE: Shin Ik Gyoon refers to one of the guards as Cho Soon Tol. It is believed that this is Lee Sun Tol.)

9. On 12 April 1951, Lieutenant Cahill obtained a statement from Mr. Sin Sang Duk (Korean symbols), 18 Dowon Dong, Inchon, Korea. Sin Sang Duk stated substantially as follows: On about 10 August 1950 he was arrested by Pak Ki Pun and confined to cell No. 11 on the second floor of the Inchon police station jail. About 11 September 1950 all of his valuables were taken from him and he was given a receipt signed by Choi Dong Hyun (Korean symbols). During the evening of 15 September 1950, Pak Ki Pun brought ten armed guards to the second floor and ordered them to shoot into the cells. He has known Pak Ki Pun for approximately ten years and described him as follows: five feet, four inches, or five feet, five inches, medium build, and walks with a swagger. There were approximately twenty to twenty-one prisoners confined to his cell and seventeen or eighteen were killed. Sin Sang Duk's statement is included in the case file.

10. On 16 April 1950, Mr. Chi Ha Yung (Korean symbols), No. 2, 3-Ga, Chong And Dong, Inchon, Korea, was interviewed by Lieutenant Cahill and a statement was obtained. He stated substantially as follows: On 22 August 1950, he was arrested by the North Korean police and confined to cell No. 16 on the second floor of the Inchon police station jail, along with thirteen other prisoners. When the UN Forces began to attack Inchon he heard the guards talking about killing the prisoners. On 15 September 1950 the door to cell No. 14 was broken open by the bombardment and the prisoners ran down stairs in an attempt to escape, but he heard shooting and later found that they had been killed. After the shooting on the first floor the guards came to the second floor and shot into the cells. Pak Ki Pun shot into his cell, killing eight of the prisoners. He described Pak Ki Pun as follows: five feet, four inches tall, 145 pounds, long face, large nose, small eyes, about twenty-seven or twenty-eight years old, spoke in a deep voice, and walked with a swagger. He further stated that two of the guards wore the uniform of Master Sergeants of the North Korean Security Forces. Mr. Chi's statement is included in the case file.

11. On 21 April 1951, the writer was informed by the 201st CIC Detachment, Seoul, that they had apprehended a Mr. Paik In Ki, who was a resident of Inchon and suspected of being a major of the NKPA Security Forces. The description of Paek tallied with that of Pak Ki Pun and because of the similarity of names an identification line-up was arranged. The line-up was witnessed by Mr. Shin Ik Gyoon and Mr. Shin Sang Duk, but they failed to recognize Paek as Pak Ki Pun. They did, however, recognize him as a resident of Inchon.

12. On 23 April 1951, Pai In Ki, 20 Do Won Dong, Inchon, Korea, was interrogated by the writer and he stated substantially as follows: He has lived in Inchon for twenty-seven years. He left Inchon on about the middle of August 1950 and proceeded to Seoul, where through a friend he became a member of the North Korean Political Security Bureau. He met Pak Ki Pun and Kim Dong Sik through his neighbour, Lee Soon Tol (Lee Sun Tol) about five years ago. During the period 5 July 1950 to about 15 August 1950 he saw Pak Ki Pun, Lee Sun Tol, and Kim Long Sik together many times and had heard from Lee Sun Tol that they were all members of the Investigation Section of the Inchon police station at that time. He described the above three persons and his description agreed with the description received from other witnesses. He had heard from a relative that many former ROK policemen and loyal ROK citizens were confined to the Inchon police station jail, but that most of them had been released after about twenty day's confinement. He did not know what had happened to those who were not released. His statement is included in case file.

13. A check of the Order of Battle Section, this Headquarters, revealed that the following North Korean Security Forces were stationed in Inchon, Korea, at the time of this atrocity: the 6th Battalion, 10th RR Security Brigade and the Headquarters of the 7th Battalion, 10th RR Security Brigade.

14. A check of the 19-2 Section, this Headquarters, revealed the following named members of the 6th Battalion, 10th RR Security Brigade, and Headquarters, 7th Battalion, 10th RR Security Brigade are confined to the Prisoner-of-War Enclosure.

(a) 6th Battalion:

- (1) Kim Soon Tae, Private, PW No. 111885;
- (2) An Jin Koo, Private, PW No. 100260;
- (3) Lee Sang Won, Private, PW No. 100895;

- (4) Kim Yong Kan, Private, PW No. 120970 ;
- (5) O Choon Be, Private, PW No. 121335 ;
- (6) Yoo Boo Yung, Private, PW No. 112308 ;
- (7) Jo Pil Hyung, Private, PW No. 99640 ;
- (8) Yoo Ji Seon, Private, PW No. 53501 ;
- (9) Jang Hi Chul, Private, PW No. 70104.

(b) Headquarters, 7th Battalion :

- (1) Han Bae Kun, Private, PW No. 113145.

15. Conclusions :

From the foregoing report of investigation, it is concluded that :

(a) On 15 September 1950, approximately fifty-three Korean nationals were shot and killed, twenty-eight were wounded, and twenty-one escaped from the Inchon police station jail, Inchon, Korea.

(b) The shooting was committed by members of one of the following North Korean Security Forces: the 6th Battalion, 10th RR Security Brigade or the Headquarters of the 7th Battalion, 10th RR Security Brigade.

(c) The following who were members of one of the above-described NKPA Security Forces participated in and/or were responsible for the shooting: Pak Ki Pun, Lee Sun Tol, Kim Dong Sik, Kim Hak Yong, Lim Sang Chan, and Master Sergeant Choi Dong Hyun.

(d) Master Sergeant Choi Dong Hyun was in charge of the Inchon police station jail at the time the offence was committed.

16. Undeveloped leads :

(a) Interrogated Security Forces personnel listed in paragraph 14, above, who are now prisoners of war to determine their possible participation in the atrocity, or their knowledge of it, or their knowledge of the present whereabouts of the suspects listed in synopsis above.

(Signed) Robert P. CAHILL
First Lieutenant, CMP

Korean statement

I, Kim Chong Won, a Korean national residing at No. 4, You Dong, Inchon, Korea, age 38 (Korean age), employed as a policeman for seven years at Inchon police station, in charge of investigations, make the following statement voluntarily, without any threats against me or promises of reward having been made; and swear to tell the truth, to tell all and hide nothing according to the dictates of my conscience.

I was in charge of investigations at Inchon police station until 3 July 1950, because the Communists took over the police station at 1000 hours on that date. I have seen the seal of Pak-Myung Koo from North Korea, as the Chief of Police of Inchon; also from North Korea were Kim, Yung Yun, Vice-Chief, and Lee, Kang Woo, Chief Jailer.

I was fleeing south when I was captured on 13 July 1950 at Sihung, near Suwan, when my companion was killed by the village Communists. My companion's name was Pak, Kum Soo. I was bound and sent to the political department of the Seoul police station. I was interrogated by use of the "water treatment" (I was bound in a chair with my head back and water was poured in my mouth; then I was beaten with a leather belt and kicked in the ribs and stomach). I was kept at Seoul police station for five days and was moved to Nam Dam Library, which was known as Kim Il Sung's personal jail. There I was kept bound and remained for twenty-five days. Then I was moved to Kyong-I-Do Reformatory, also Kim Il Sung's private jail. Then I was told I was going to be sent before the People's Court in Inchon.

I was blindfolded and sent to Inchon at 2200 hours, 3 September 1950. I remained in Inchon police station confined in cell No. 15 until the night of 15 September 1950. I was interrogated three more times at Inchon police station. There was one soldier, two policemen, members of the Tei Han Youth Association and former government officials totalling fifteen in my cell. At 1630 hours I saw one Communist policeman named Oh (that's all I know of his name, because the Communists don't tell their names) standing in front of cell No. 18 looking at an airplane flying over when he was hit by a piece of shrapnel. The prisoners in cell No. 2, who were criminals (all the prisoners on the ground floor were criminals, whereas those on the second floor were political) broke out of that cell and fled. At 1700 hours four policemen came up and told us to be quiet and that they were going to transfer us to another prison because of the heavy bombing. At 1830 hours two policemen, named Lee Sun Tol and Kim Dong Sik, came up and told the prisoners they were going to feed us, so to maintain the three rows in which we sat. Then they left and another policeman whose name was Hong came up and distributed two cigarettes to each cell. Then he left. At about 1900 three other policemen, Pak Ki Pun, Lee Sun Tol and Kim Dong Sik, came up. Pak Ki Pun had two carbines, American, one in his hands and one slung on his shoulder. Lee Sun Tol had one carbine and Kim Dong Sik had one. They told the prisoners to change from three rows to two rows. Then they went down and returned at 1930. They began to fire into the cells, beginning with cell No. 16. I saw Pak Ki Pun standing at the left, Lee Sun Tol at the right. Kim Dong Sik just followed them with extra ammunition. They fired into cell No. 16 for about two or three minutes. That cell contained about sixteen prisoners. They came to cell No. 15. When they shot into cell No. 16, I knew they would come to No. 15 and I cried out, "Long life to the Korean Government." I told the Communist policemen that it was proper for a policeman like myself to die but the members of the Youth Organization should be freed. Then they shot at me, but the bullet missed me and hit the man in front of me. The second shot grazed my left shoulder and I collapsed. They continued to fire into cell No. 15 for two or three minutes, just as they had done into cell No. 16. Of the fifteen in the cell, ten died and five survived. Cell No. 14 was empty and they went to cell No. 13 which contained only five women. They killed three of these and the other two survived. I do not know if they were wounded or not. They proceeded down to cells Nos. 12, 11, 10 and 9, in order, in the same manner. I do not know how many were killed in each of these cells. Then we heard firing outside, and we wouldn't break out for fear of being shot. The firing outside continued for about twenty minutes and, when it ceased, we broke the door open and got out. There were two policemen firing into a cell and then they would move on to another cell. When I got out I looked into all the cells. On the way down the stairs, I found the records which one of the Communist jailers had dropped. I picked up the records and placed them inside my belt. I then carried two of the wounded men, Pak Chung Oh and Lee Pyung Kik, to my friend Choi Mon Huyuk's house. I stayed there until 1000 hours 16 September 1950 and then went to the American Marines and told them the story. None of them came with me, but I returned to the police station, where I counted fifty-three bodies, but that did not include all of them because the families had already carried away some of the dead. The wounded survivors, including myself, were treated at the US Marine Aid Station. I do not know how many were killed that night, but I counted fifty-three. I estimate there were more because there were 197 prisoners in the police station at that time. The families had already taken some bodies away when I returned to the station

after 1000 hours. I do not know where the bodies were buried because they were taken away by the families.

Unless I capture one of the jailers, I cannot tell if this shooting was on orders or not.

Korean oath

Section I: Oath of witness and interpreter:

1. Oath: Do you swear to tell the truth, to tell all and hide nothing according to the dictates of your conscience?

2. I, Kim, Chong Won (*signed*), being duly sworn according to the Korean custom, state that I had read to me and understood the translation of the foregoing transcription of my interrogation, and all answers contained therein are true to the best of my knowledge and belief.

(*Witness' signature*) KIM CHONG WON
(*Seal*) (Korean symbols)

3. I, Kenneth C. Lim (*signed*), being duly sworn on oath, state that I truly translated the questions and answers given from English to Korean and from Korean to English, respectively, and that after being transcribed I truly translated the foregoing deposition to the witness; that the witness thereupon in my presence affixed his signature thereto.

(*Interpreter's signature*) K. C. LIM

4. Foregoing statements of witness and interpreter were sworn to and subscribed before me this 1st day of October, 1950.

Noel J. CIPRIANO
Captain, JAGC

Korean statement

I, Paik, Yun Man, a Korean national residing at No. 1, 1st St., Shin Hung Dong, Inchon, Korea, a native of Chin Nam Po, Pyong An, Namdo Province, age 21, make the following statement voluntarily, without any threats against me or promises of reward having been made; and swear to tell the truth, to tell all and hide nothing according to the dictates of my conscience.

I left Chin Nam Po in May 1947 for Seoul where I remained until July 1947 when I came to Inchon. I worked in a factory.

On 28 August 1950 I was arrested because I refused to volunteer in the North Korean Army. I was first placed in Nun-Hak jail, the local jail. I remained in Nun-Hak jail one night, and was transferred to Inchon police station. I remained in Inchon police station eighteen days. I was interrogated about three times. The personnel of the police station consisted of two North Korean soldiers, and Communist police. About 10 September the soldiers increased to seven. In my cell there were members of the Te Han Youth Association, an anti-Communist organization, and some others from the country. Some of the prisoners in the cell were former local political officials who were in office when the North Koreans arrived.

When the American shelling began, we were made to sit in one spot, facing the wall, except during sleeping hours. This treatment lasted about five days. On the evening of 15 September we were made to sit in two lines instead of the usual three, and the soldiers and police began to shoot. There were seven cells on the second floor, each cell containing about fifteen prisoners. I was in cell No. 15. The firing started into each cell simultaneously because there was one soldier facing the cell in which I was and two placed at each of the others, from the accounts told me by survivors who were in the other cells. The soldier placed at the cell in which I was

confined fired at each of the occupants until his ammunition was exhausted from his Japanese carbine, 99-model. Two in my cell were killed and four were wounded. We could not defend ourselves because the soldiers fired into the cell through the bars. We could not move around because we were too weak to move. We were not tied up but all of us were too weak to move. The soldier at my cell fired nine times and I heard the soldier say the ammunition was all gone so they (the soldiers) should run away. For a few minutes we stayed in our same position and we heard firing outside. We heard the prisoners in the other cells breaking out so we did the same and escaped.

The two who were killed in my cell were residents of Inchon. I do not know the names of any of the persons who were confined in the cell with me but I feel that if I could see them again I would be able to recognize some of them.

I saw that two of the six who were in my cell were badly shot and later saw two of the other four who were shot on the street and they told me the two had died but none of the four. There were many shots fired into the other cells because I heard much shooting. There was only one survivor in the cells Nos. 9 and 10, because I later saw these two survivors and they told me all the others in their cells had been killed.

I did not learn much about the others who were confined with me because some were from outside of Inchon and the jailers were very strict, so that we were prohibited from conversing.

I heard one of the Red soldiers say. "We must kill the prisoners because if we don't they might kill us".

When I got outside of the cell, early in the morning on the 16th, there were already Americans in or around the police station. The shooting happened shortly after night-fall on the 15th, because it was dark and the only light was from the burning houses. It took about an hour after the shooting when we finally broke out of the cells.

This incident is very vividly impressed on my mind and I feel I can recognize the soldiers or jailers. I feel I can recognize about ten of these soldiers or jailers. I do not know if this shooting was done on orders or not.

Korean oath

Section I: Oath of witness and interpreter.

1. Oath: Do you swear to tell the truth, to tell all and hide nothing according to the dictates of your conscience?

2. I, Paik, Yun Man (*signed*), being duly sworn according to the Korean custom, state that I had read to me and understood the translation of the foregoing transcription of my interrogation, and all answers contained therein are true to the best of my knowledge and belief.

(*Witness' signature and chop*) YUN MAN PAIK
(*Seal*)

3. I, Kenneth C. Lim (*signed*), being duly sworn on oath, state that I truly translated the questions and answers given from English to Korean and from Korean to English, respectively, and that after being transcribed I truly translated the foregoing deposition to the witness; that the witness thereupon in my presence affixed his signature thereto.

(*Interpreter's signature and chop*) K. C. LIM

4. Foregoing statements of witness and interpreter were sworn to and subscribed before me this 1st day of October, 1950.

(*Signed*) Noel J. CIPRIANO
Captain, JAGC

6. KOREAN WAR CRIMES CASE NO. 67

Date : 13 October 1950.

Place : Kumchon (BT 6513).

Victims : ...

Suspects : Unknown North Korean soldiers.

On the morning of 13 October 1950, Captain John H. Brewer and his driver, Private First Class ... left their Battalion Command Post near Kumchon (BT 6513) to pick up battalion supplies at Pakchon.

Approximately three miles above the 38th parallel, Captain Brewer was ambushed. He and his driver were forced to take cover in a ditch occupied by eight other Americans who encountered the strong point earlier. Captain Brewer organized his group in an effort to repel the enemy, but, as the skirmish continued, it became apparent that the Americans were outnumbered and surrender or annihilation was imminent. Captain Brewer decided to surrender.

The North Koreans took the Americans to a near-by house and placed them inside.

Due to the increasing volume of small-arms fire in the vicinity, the North Koreans apparently realized that they would be forced to retreat. The guards suddenly, without warning, began firing into the group. Before leaving the scene they kicked or hit each man to determine whether they were dead.

Five men surviving the shooting remained on the floor of the house until the following morning, afraid to move for fear the Koreans were still present. At dawn the men climbed through a window and found their way back to friendly lines, contacting elements of the 7th Cavalry Regiment.

6 March 1952 : on record as case.

March, 1953—Historical Report, War Crimes Division—Korea :

"Photographs clearly reveal that the six American soldiers detained as prisoners in a Korean house near Naedae were shot in cold blood and probably bayoneted. Ironically, this slaughter took place in front of a Communist propaganda bulletin board. However, there were five survivors, wounded in the massacre, who escaped by feigning death. In addition, a captive North Korean sergeant has admitted participation in the murders. Close examination of the evidence leaves some doubt as to whether this case was properly referred, since there seem to be discrepancies between the confession and the survivors' statements."

Statement of Captain John H. Brewer, 0390991, Assistant S-4, 7th Cavalry Regiment

After first having been duly advised of his rights under the 24th AW Captain Brewer gave the following statement to Major Robert E. Brown on 24 October 1950 at Chinnampo.

At about 0930 on 13 October my driver and I left the Battalion CP and started back to pick up the Battalion trains which were located near Paekchon. The Battalion CP was located near Kumchon. While proceeding along the road about two miles south of the Battalion CP we were fired on from a hill direct to our front. There was a 2½-ton truck in front of me with a 50-cal. mg. mounted—so I instructed the men to open fire with the 50-cal. The driver opened up with the 50 and two enemy waved white flags and we directed them down to the truck and put them on one of the trucks. We proceeded on around the point of another hundred yards down the road—and were fired on by several machine guns, burp guns and rifles. The driver of the truck jumped in the back and started firing the 50-cal. I moved up behind the truck

in my jeep, dismounted and moved up to observe the fire. I saw that they were firing at the 50-cal. from two directions. So I ordered the driver to leave the 50-cal. and take cover in the ditch, which he did. We continued firing with our carbines and M-1's until the enemy pushed forward and pushed us back up the road around the nose of another hill. Here we met two tanks and a platoon of infantry, which I understand had been sent by S-3. They took over, deployed and commenced firing and drove the enemy back over the hill. The mess sergeant from Headquarters, CP, 2nd Battalion, who was on the truck, was hit in the arm. The rest of us were not hit. I sent the truck with the two prisoners and the mess sergeant that was hit back to the Battalion CP.

My driver and I proceeded on down the road to pick up the Battalion train. I don't know how far down the road we went before we hit the other road block but it was about two to three miles above the 38th parallel. Around the bend in the road which was a hill we came under direct fire of machine guns, burp guns and rifles. I started to pass and go on down the road and was attempting to run the blockade but everyone in the ditch started hollering, "Captain you will never make it—they are all down the road and all around us." I told the driver to pull over and hit the ditch. After getting in the ditch, finding approximately ten to eleven people there, we started to organize to defend ourselves as best we could. Firing continued to get heavier with occasional hand grenades and in a matter of a few minutes they closed in on us from both ends of the ditch and over the top with hand-grenades.

Then we were taken prisoners and marched off the road and up the hill to one of their dugouts and there we were searched and everything taken off us, our watches, billfolds, fountain pens, rings, everything. Then we were marched up to the house and seated in the yard for a short time while one of the non-coms or men went to the house and then returned and we were marched in the house and seated on the floor in the room where there were a lot of tables—looked like it had been used as a dining room or mess hall.

The guards tried to make conversation with the soldiers and one tall officer who said he was a captain who spoke English. He asked us why the US crossed the parallel and went into North Korea. He also asked us if there were any Japanese or Chinese fighting with us. He asked every one of us our ages, how long they had been over there, if they were married and if they wanted to return to their homeland. A terrific fire fight was going on on the outside and we could hear a 50-cal. and either some of our artillery or our tanks firing into the hills near where we were seated. We were sweating it out in fear that they would hit the house with our artillery. This firing seemed to irritate the guards and other enemy in the room and they would scream out to get our hands higher. Then they asked us why our planes came over and bombed them and talked among themselves with apparent irritation. Then they asked some of the men what they did. They wanted to know what the insignia was on my collar and I told them "Tank". So they thought I was a tank driver. Before I was captured I took my bars off and stuck them in the ground. I don't believe they knew my rank, except they did have my billfold with ID card that could have been easily checked.

Approximately 5.30 or 6 o'clock there was a lot of confusion and running in and out of the building as the fire fight was continuing outside. One of the officers came back and said something to the guards. They immediately began putting on their gear and equipment, preparing to leave. One of them motioned to us and said something to the officers outside. Then they loaded their rifles and all of them opened fire on us. So as they opened fire, I fell flat on the floor and laid there during

the firing. I felt one bullet go across my right leg, cutting a groove; something hit my left leg which I assumed was fragments from a grenade. Then a number of rounds went right over my head into the concrete wall, knocking concrete into my face. Then the firing stopped, and someone came around with a rifle and jammed the butt of it into my back and across my legs, during which time I did not move at all. Evidently they left the room. I continually heard voices just outside the building and running around and talking up till around 11 o'clock. Then all the firing ceased outside and I didn't hear any sounds in the house or outside. I still continued to lay in the same position—not moving for fear that an outpost or someone from outside the building might be looking in the window to notice movement and return to finish us. Then, about 0200 in the morning, I heard some of the boys moving their legs and I knew that they had not all been killed. At this time they began to whisper and I worked my way slowly back to them and whispered to them to be quiet and not move, for fear that they would return. We laid in the same positions and I determined that there were approximately three that were not killed. Listening for any movement of the other group lying on the floor, I determined that the rest of them must be dead.

At approximately 0500 I moved my head and surveyed the room to determine if there was anyone in and about the room. Not seeing anyone or hearing any movement, I got up cautiously and went to the windows and looked around the building. Listened for any signs of the enemy. Not hearing anything, I got the rest of the group—four besides myself—and told them that we must get out of the building and get away. I told them that we would go out the back window—across the road—that I would lead the way and get down and find a vehicle and send them some medical aid. I jumped out the window. They followed, and we took off over the hill, passed a trench not too far from the building where two NK soldiers were lying there asleep with their rifles against a tree. We moved on across the hill and made our way on down to the road. One of the men and I went on down the road till we made contact with a captain out of the 24th Division who sent transportation out to pick up the boys that were wounded. I found a 77th FA jeep in the ditch, got it out and went on back to the Battalion train, took two of the boys on down to the aid station, then returned to my organization that night, with the train.

I would know one of the NK officers again if I saw him. He did not have the dark colour or slant to the eyes of most NK's. He was the one that spoke English and asked most of the questions, and he was quite a bit taller than the rest of the NK soldiers. I think I would also recognize some of the guards if I saw them again. The place was some kind of a headquarters and other officers would pass by that I did not get a good look at.

I knew the names of only two of the boys of the eleven, including myself, that were prisoner in the room. Their names are . . . my driver, and Private Fetter from George Company. Six were killed and five of us got out wounded.

I am thirty-six years old and I was born in Mena, Arkansas. I speak no language other than English. My present home address is 5405 North Hudson Street, Oklahoma City, Oklahoma.

(Signed) John H. BREWER, 0390991
Captain, Infantry

Subscribed and sworn to before me this 24th day of October, 1950, at Chinnampo, Korea.

(Signed) Robert E. BROWN
Major, JAGC
1st Cavalry Division

Affidavit of authenticity of photograph 8A/FEC-50-20851

Robert E. Brown, Major, JAGC, 052098, being first duly sworn, deposed and stated:

That he was present at the time of the taking of the photograph affixed to the reverse side hereof, which photograph is marked exhibit 6 and bears his personal signature; that said photograph was taken on the 15th day of October, 1950, at approximate coordinates 66.0—14.3 (vicinity of Naedae, Korea); that it is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place:

Remains of five soldiers of the 7th Cavalry Regiment as found at place and on date of photograph.

(Signed) Robert E. BROWN
Major, JAGC

Subscribed and sworn to before me this 22nd day of December, 1950.

(Signed) Thomas H. BIRCH, 032696
Major, JAGC

Affidavit of authenticity of photograph 8A/FEC-50-20850

Robert E. Brown, Major, JAGC, 052098, being first duly sworn, deposed and stated:

That he was present at the time of the taking of the photograph affixed to the reverse side hereof, which photograph is marked exhibit 7 and bears his personal signature; that said photograph was taken on the 15th day of October, 1950, at approximate coordinates 66.0—14.3 (vicinity of Naedae, Korea); that it is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place:

The undersigned, Major Brown, examining poster, marked exhibit 11 in this case, where it was found at place and on date of photograph. Partial view of four of the five bodies of 7th Cavalry Regiment soldiers as they were found.

(Signed) Robert E. BROWN
Major, JAGC

Subscribed and sworn to before me this 22nd day of December, 1950.

(Signed) Thomas H. BIRCH, 032696
Major, JAGC

*Form 14 Affidavit of member of United Nations
Armed Forces*

Tokyo General Hospital Annex,
Tokyo (Japan)

25 October 1950

I, Corporal Frederick C. Herrmann, RA 12184021, Service Company, 7th Cavalry Regiment, United States Army, a citizen of the United States, with my residence at 1336 Hancock Street, Brooklyn (27) New York, having been duly sworn by First Lieutenant Charles C. Grimm, United States Army, depose and say:

My name is Corporal Frederick C. Herrmann. I am from Brooklyn, New York, and am twenty-five years old, and I was assigned to Service Company, 7th Cavalry Regiment. My serial number is RA 12184021. The following, to the best of my knowledge, is what occurred after I was captured by the North Koreans.

On 13 October 1950 when my guard, Private First Class . . . , and I were returning from a town twenty miles north of Kumchon, Korea (which is approximately twenty miles north of Seoul) after having delivered a truck-load of gasoline to the front; when we reached a point in the road about ten miles from Kumchon, we heard shooting. Then we saw several vehicles in the road in front of us.

The one directly in front of us was Captain Brewer's (phonetic) jeep. Ahead of Captain Brewer's jeep was a 2½-ton truck and in front of the 2½-ton truck was another jeep. I stopped my truck because of the shooting. Private First Class ... and I grabbed our rifles and jumped from the truck into the ditch beside the road, in which were Captain Brewer, Private First Class ..., Sergeant First Class Bryant, the supply sergeant from "... " Company, who were all members of 7th Cavalry Regiment. Six other men were in the ditch but I do not know their names and since they were with Captain Brewer I believe that they were from the 7th Cavalry. We shot at the North Koreans but we saw that we were surrounded, so we surrendered.

About ten or fifteen North Koreans captured us; there were about one hundred or a hundred and fifty North Koreans in the surrounding area. The North Korean soldiers who actually took us prisoner were dressed in the light khaki uniform of the North Korean Security Forces. After these North Korean soldiers had captured us they made us take off our helmets and they marched us down the road about two hundred to two hundred and fifty yards in front of the first jeep. At this point we turned east and climbed a hill.

During the time we had been fighting the North Korean soldiers and at this time there was a United States L-5 airplane circling overhead. I believe the pilot saw the ambush because he kept circling in the area above us. We got about half way up the hill when they stopped us and these North Koreans took all of our personal property and our identification. Then we continued to march up the side of the mountain trail. When we had traveled about seventy-five yards we arrived at a house. This house was rectangular and it was constructed out of mud and wood. It was one-story high. We never entered the house but we sat against its outside wall for about twenty to twenty-five minutes.

Then we were marched to the top of the mountain, where there was another house. This house was one story, and it was either painted or whitewashed white. It was made of wood, with a sloping roof which extended over the side of the house. Around three sides of the house was a flush boarded wood fence, that is, there was no fence on the south side of the house. This fence was about ten feet high. There was only one gate in the fence, which was on the north side of the house, approximately fifty feet east of the north-east corner of the house. On each side of the gate there were two poles about the size of telephone poles, and these two poles formed the jamb for the gate. The fence was not painted, but it was dark and dirty from being exposed to the weather for a long period of time.

We entered a room in the house, which was approximately fourteen feet by twelve feet, and it was about eight feet high. The floor was hard dirt. After we entered the room they motioned for us to sit down, and we sat down in a line which formed a "U", in the following order: the supply sergeant from Company "...", whose name I didn't know; two other men whose names I don't know; then Private First Class ... Captain Brewer, Sergeant First Class Bryant, and three more men whose names I don't know; then Private First Class ... and myself. I was sitting opposite from ... and ... was facing the supply sergeant from Company "K".

The supply sergeant and ... had been wounded in the leg at the time of our ambush, and we tried by the use of sign language to make our little North Korean guard understand that we wanted to take our shirts off and bind their wounds. He did not understand what we were talking about. This North Korean guard was about five feet tall and was pretty husky and I believe he weighed about 160 pounds. He was one of the ugliest people I have ever seen. His nose was pushed in like a prize

fighter's, and he had a scar on the right side of his face. Actually the scar was on his right cheek, about a quarter of an inch from his nose. It was perpendicular and was shaped like a half moon, and it was about an inch long. His hair was cut very short. He carried a carbine in his hand and he had the habit of thrusting it out in front of him as we had been taught to do during bayonet practice.

Then a North Korean soldier came in who had one star on his shoulder with a single stripe running through it. I believe he was a junior lieutenant. He was about five feet, ten inches tall and weighed about 140 pounds; the only distinctive feature about him was that the top eyelid of his left eye was slightly closed. He did not stay very long, but a short time later he returned. The second time that he came we asked him about bandaging the legs of ... and the supply sergeant, but he could not understand us very well since he only spoke broken English, and bad broken English at that. We made him understand what we wanted, and he allowed us to bandage the wounds with our shirts. He started questioning us about the number of Japanese and Chinese troops fighting in Korea. We laughed and told him that somebody had been kidding him because there were no Japanese or Chinese troops fighting in Korea. He asked us why we started the war in Korea. When we told him that we did not start it, he had us stand up and move to the east side of the room, where there was a bulletin board on the wall. On the bulletin board were some newspaper clippings; one was an American jeep and trailer with two American GI's lying dead; the next was a picture of a firing squad showing some dead men tied to poles, and he told us that it was a picture of South Koreans shooting North Koreans.

After looking at the pictures, we all sat down on the floor in the same position we had had previously. Upon our request he got us a one-pound coffee can filled with water for us to drink. He then asked us if we were hungry, and if we could eat rice. We said that we could, but we never received any rice nor were we fed at all. We received permission to go to the latrine, which was outside of the house. The ugly little guard went with us, and he made us walk by the side of the house under the cover of the sloping roof so that the L-5 airplane that was circling overhead could not see us.

During this time that we were going to the latrine, the lieutenant left the room. He came back in a little while and started talking to us about the troops of the United Nations in Korea. During this conversation a North Korean soldier came into the room and motioned for the lieutenant to leave the room, which he did. Through the open door I could see they were looking down the road with binoculars. Then this lieutenant called another lieutenant, who had two stars, and they went outside. There was shouting and all the North Koreans left us, except our guard. Later we heard shooting, which lasted about an hour.

In the evening, just before complete darkness, the lieutenant with two stars, the lieutenant who spoke broken English, and another lieutenant with one star, who was about five feet seven inches tall and weighed about 140 pounds—there weren't any distinctive marks about him—some excited conversation passed between the lieutenants and our ugly guard. The ugly little guard pulled back the bolt on his carbine, and someone said, "this is it". Just about this time I heard a shot and Grimmig fell forward. I could see blood coming from his head. When he fell towards me I yelled, "Look out", and I turned completely around to the right and dove face down in the dirt under the table. The only part of my body sticking out from under the table were my arms and legs. The only North Korean soldiers who I definitely know were in the room at this time were the ugly little guard and the three lieutenants. I didn't hear any other type of shot fired other than the rifle and I don't remem-

ber how many shots they fired, but there were a lot of them. I lay under the table holding my breath. I saw Clare fall, and his head came down on my shoulder. The next thing I remember is that I felt something kick me, but I did not move. Then I felt something on the back of my neck which seemed to me to be the butt of a rifle, which somebody was using to see if I were alive. But I did not move. Then I heard a shot and my leg felt as if it were completely knocked off. I was shot in the left leg just above the knee. As I lay there, not daring to move, I heard the North Korean soldiers yelling and running around.

After a while it was quiet. Then I heard some tanks driving on the road outside. Although they might have been ours, I did not know, so I did not make any noise. About 2400 hours I heard the clock on the wall strike the time, and I heard somebody moving in the trash pile which was at the north corner of the room. Because I did not know who it was, I remained still and silent. Several times a voice asked, "Is anyone alive?" But I did not answer and nobody else did either. Finally the voice said, "God damn it, I'm a GI; is anyone alive?". Then I told him that I was. I asked if anyone else were alive and Bryant said that he was. Another GI, whose name I do not know, answered that he was, too. We received no other response from anybody else in the room. Because we didn't know whether the North Korean soldiers were still outside or not, we decided to stay in the house all night. The next morning Captain Brewer stood up and this was the first time that we knew he was alive. According to the striking of the clock on the wall it was about 6 o'clock of the morning of 14 October 1950. We decided that we would leave the building by going out of the windows on the south side. Before we left, we inspected the rest of the members of our group and discovered that all of them were dead. I inspected the bodies of the supply sergeant and Grimmig to determine that they were dead. Grimmig and the supply sergeant were both shot in the head. I do not know where or how many times the others were shot, but I do know that they were dead. Out of the twelve of us, the only ones who were alive after the shooting were: Captain Brewer, Bryant, two of the men, whose names I do not know, and myself. Neither Captain Brewer nor these two soldiers whose names I do not know were injured, but I was shot in the left leg and Bryant had been shot in the ankle; I don't know which one it was. Captain Brewer and one of the GI's whose name I do not know, went out the window first, and they were supposed to help us out, but once they got outside we never saw them again. Finally, we got out of the house and crawled three miles to the south, where we found a road, and beside the road we crawled into a hollow bush. I believe this was the same spot where the 77th Field Artillery had been ambushed earlier. While we were sitting in the bush Captain Barnes and Lieutenant Erickson found us. Captain Barnes was attempting to start some of the vehicles that were left on the road as the result of the 77th Field Artillery's ambush. At this time a US Army truck column with trucks of the 1st and 7th Cavalry came down the road and we were rescued and returned to our forces.

I further state that I have read the foregoing statement, consisting of three pages, and that the same is true to the best of my knowledge and belief.

(Signed) Frederic C. HERRMANN
RA 12184021, Corporal

Subscribed and sworn to before me, the undersigned authority, on this 25th day of October, 1950.

(Signed) Charles C. GRIMM, 0955764
First Lieutenant, JAGC
Judge Advocate Section,
General Headquarters,
Far East Command

Form 14. Affidavit of member of United Nations
Armed Forces

Tokyo General Hospital Annex
Tokyo (Japan)
26 October 1950

I, Corporal Frederick C. Herrmann, RA 12184021, Service Company, 7th Cavalry Regiment, United States Army, a citizen of the United States, with my residence at 1336 Hancock Street, Brooklyn (27) New York, having been duly sworn by First Lieutenant Frank J. Traversi, MPC, 0-1799917, War Crimes Investigator, United States Army, depose and say:

Looking at the photograph No. 8A/FEC-50-20860, dated 18 October 1950, subject: "Conflict in Korea", view of house at 66.0-14.3 in which were found the bodies of five American soldiers in one room and one in another room on 15 October 1950. The photograph is a US Army photo taken by Sergeant Enrique Marques. I identify the house shown in the picture as the house in which I was held captive on 13 October 1950, and in which house occurred the massacre I have related in my affidavit to First Lieutenant Charles C. Grimm, JAGC, 0-955764, Judge Advocate Section, General Headquarters, Far East Command, on 25 October 1950.

Looking at US Army photograph No. 8A/FEC-50-20850, dated 15 October 1950, subject: "Conflict in Korea", taken by Sergeant Enrique Marques. I identify the picture as being a picture of the room in which the massacre occurred. This massacre I have described in my statement to Lieutenant Grimm, dated 25 October 1950. The propaganda sheet as shown in the picture is the one we were all required to see. I identify the dead bodies in the foreground of the picture as follows, reading left to right: The first body is that of ... The second body is that of the supply sergeant from "K" Company, whose name I do not know.

US Army photograph No. 8A/FEC-50-20849, dated 15 October 1950, subject: "Conflict in Korea", taken by Sergeant Marques. I identify the bodies in this picture as part of my group which was massacred by the North Koreans as I have described in my statement to Lieutenant Grimm on 25 October 1950. The names of the bodies from the top of the picture down are as follows: The first man whose head and shoulders and back can be seen is ... The second man is the supply sergeant from "... Company and the third man is ... The wound in ...'s leg is the one that he received during the battle that resulted in our capture.

US Army photograph No. 8A/FEC-50-20851, dated 15 October 1950, subject: "Conflict in Korea", taken by Sergeant Marques. I identify the bodies in this picture as being of the group that was massacred by the North Koreans as related in my statement to Lieutenant Grimm dated 25 October 1950. I identify the bodies as follows, from the top of the picture to the bottom: The first man on the top laying on his stomach is ... The second man laying on his side is the supply sergeant from "... Company. The third man is ... The fourth man in the one-piece coverall suit is a man whose name I do not know but he was massacred with our group and I believe he was from "G" Company. The last man lying on his back with his mouth open is my shotgun guard, ...

US Army photograph 8A/FEC-50-20848, dated 15 October 1950, subject: "Conflict in Korea", taken by Sergeant Marques. The body shown in this picture I identify as being one of the group which was massacred by the North Koreans on 13 October 1950 as I have related in my statement to Lieutenant Grimm, dated 25 October 1950. This picture shows the front view of the man dressed in a one-piece coverall whose name I do not know but whom I believe was from "G" Company and whom I identified in Army photograph 8A/FEC-50-20851.

I have placed my initials on photograph Nos. 8A/FEC-50-20860, 8A/FEC-50-20850, 8A/FEC-50-20851, and 8A/FEC-50-20848 in the presence of Lieutenant Frank J. Traversi for the purpose of identification. Lieutenant Traversi has likewise initialled the same photographs at the same time and for the same purpose.

I further state that I have read the foregoing statement, consisting of two pages, and that the same is true to the best of my knowledge and belief.

(Signed) Frederic C. HERRMANN
Corporal, RA, 12184021

Subscribed and sworn to before me, the undersigned authority, on this 26th day of October, 1950.

(Signed) Frank J. TRAVERSI
First Lieutenant, 0-1799917 MPC
War Crimes Investigator
Judge Advocate Section
General Headquarters
Far East Command

7. KOREAN WAR CRIMES CASE NO. 75

Date : Last of September and first of October, 1950.

Place : From Seoul to Pyongyang.

Victims : See below.

Suspects : Unidentified North Korean soldiers.

Many American prisoners of war lost their lives on the Seoul to Pyongyang "Death March". The ordeal began about 26 September 1950 with 376 men, and ended at Pyongyang on or about 10 October 1950 with an estimated 296 survivors.

The prisoners had been captured at various places. Many were taken in the Taejon and Hadong areas. Approximately eighty of the prisoners had made at least a part of the journey from Taejon to Seoul on 15 or 16 August. These prisoners had walked about fifty miles north from Taejon where they were put on flat cars and taken to the outskirts of Seoul, arriving there 20 August. The men were taken off the train and forced to parade throughout the city. Later they were taken to a school-house where other American prisoners were held.

The men remained at Seoul, leaving for Pyongyang on 26 September. An estimated twenty-eight of the more seriously wounded prisoners were kept at Seoul. These prisoners were told that they would be taken by train to Pyongyang later; however, the wounded were marched and carried on ox-carts behind the main group. The wounded column actually caught up with the main body the second day.

The men never received sufficient food or medical attention. Requests for additional food and medical supplies were frequently made by Major . . . , ranking American officer, but they were never fulfilled. Some of the men received first aid when first captured, but that was the extent of the medical care they received. Each day men died from lack of medical attention.

Combat boots and personal items had been taken from all of the prisoners. Most of the men were given tennis shoes, Korean rubber shoes, or rice straw sandals, but they would last only a few days due to the rough roads; twenty-five of the men had no footwear at all.

During the journey, thirty-three men escaped. In each case where the escapee was recovered by UN Forces, he was found to be suffering from malnutrition and dysentery. The recovered prisoners stated that they were fed very little. Occasionally they were given soup, and some days they received no food or water at all.

Due to the mistreatment and lack of food, some of the prisoners lost as much as fifty pounds before their arrival in Pyongyang.

Identified survivors: Corporal Myles A. Cables; Sergeant Takeshi Kaumagai; Corporal Jack G. Arakawa; Private First Class Robert L. Morris; Sergeant Auvil Parsons; Private Walter R. Whitcomb; Private Raymond S. Wright; Private First Class Charles R. Jarvis; First Lieutenant Douglas Blalock; Private First Class Thomas L. Brady; Private C. O. Edward, USMC; Private First Class Raymond L. Hamilton; Private First Class Edward G. Malcomb; Sergeant Junior Catchings; Corporal Arlton B. Craig; Private Robert L. Sharp; Private Harold E. Smith; Private George L. Snodgrass; Corporal Victor S. Stevens; Private First Class Martin Darios; Captain William D. Locke; Sergeant John Alan Persell; First Lieutenant James B. Smith; Private First Class Theodore Stamper; Private Gordon R. Roney; Corporal Leonard B. Sweat; Private First Class Lloyd D. Kreider; Private Russell Morris; Sergeant Aaron W. Mounce; Private Leonard A. Warren; Sergeant First Class William H. Jones; Private First Class Joseph Cerino, Jr; First Lieutenant A. G. Makarounis.

In addition to the above identified survivors, there were other unidentified victims.

March, 1953—Historical Report, War Crimes Division—Korea :

"On 26 September 1950, Korea added its counterpart to the infamous Bataan Death March involving approximately 376 American prisoners of war. Only 296 survivors completed this two-week horror hike.

"In August 1950, these prisoners were being held in Seoul, awaiting movement northward. Nearly half the group was wounded, many seriously, but despite this they received practically no medical care. Instead, they were beaten often, and on at least one occasion were subjected to the humiliation of being forced to parade down the main street of the city. Their personal belongings were all stolen and, in addition, their combat boots were confiscated, many being left barefoot and a few receiving ill-fitting Korean shoes in return.

"During the ordeal of the march to Pyongyang, many of the sick and wounded were unable to maintain the pace. At this time the Communists demonstrated a policy that runs like a connecting thread through all the reported atrocity cases. That policy was the summary execution of any prisoner whose physical condition would burden their operations. These bodies were always left unburied along the road-side.

"Beatings from the guards were commonplace throughout the ordeal. No medical care was provided and the only food was one or two rice balls per day. For water, the unfortunate survivors had to shift for themselves, drinking from road-side ditches and adjoining rice paddies. As a result, most of them suffered from attacks of diarrhoea and dysentery.

"Some of the wounded managed to ride on an ox-cart, but with no medical care their wounds became infected and maggot-laden. The senior officer among the prisoners, a major, constantly pleaded with the captors for medicine, water and more food. For his efforts, this officer received only additional abuse and beatings. At one time, when an opportunity to escape afforded itself, he refused to accompany those leaving, stating that he felt his duty required him to remain and do what he could to alleviate the suffering of the men.

"Once an American plane flew over the hapless column and dropped supplies for them. However, the North Korean captors immediately and methodically collected these items, appropriating them to their own use. Some thirty-three soldiers managed to escape during the march and were rescued by friendly forces. In all cases, these individuals were undernourished and suffering from severe malnutrition. Others were in dire need of medical care for neglected wounds."

Affidavit of Alexander G. Makarounis

First Lieutenant Alexander G. Makarounis, being first duly sworn, testified as follows:

Q. State your full name, please.

A. Alexander G. Makarounis (M-A-K-A-R-O-U-N-I-S).

Q. What is your rank and serial number?

A. First Lieutenant; 0-58962.

Q. How old are you?

A. I am twenty-seven.

Q. Are you married or single?

A. I am single.

Q. What is your State-side address?

A. 548 Fletcher Street, Lowell, Massachusetts.

Q. How long have you been a member of the Army?

A. Eight years in [sic] one week.

Q. What was your civilian occupation?

A. The last occupation I had I was a textile rigger in the silk mill.

Q. You were captured as a prisoner of war in the Korean incident. Is that correct?

A. Yes, sir, I was.

Q. What was your outfit at the time of your capture?

A. My organization was the 29th Infantry Regiment. I belonged to Company "I."

Q. Where and when were you taken prisoner of war?

A. I was taken prisoner on 27 July at Hadong.

Q. At the time you were taken prisoner of war, were you injured?

A. I was, on 27 July.

Q. What was the extent of your injuries?

A. I was shot in the back as I lay in the rice paddies.

Q. And did you on that day, or shortly thereafter, join another larger group of prisoners of war?

A. On that same day, I joined another group of prisoners of war.

Q. What was the size of this group?

A. The size of this group was approximately—there was approximately fifty of us that had been wounded, and there was approximately one hundred that were not wounded.

Q. At the time of your capture, did you and/or the other wounded prisoners of war receive medical care and attention from the North Koreans?

A. At the time of my capture, the only medical attention I received was a first-aid bandage that was applied to my back, that was applied by another United States soldier from our first-aid packages.

Q. What about the other wounded men. What medical care and attention did they receive?

A. They received the same treatment. At one other time, I believe it was the same day or on 28 July, four Korean Army medical men dressed the wounds of all the wounded men, of the group of about fifty.

Q. Now, at the time of your capture or shortly thereafter, did the North Koreans remove any of your personal possessions?

A. They removed all of the personal equipment I had, which was my wallet, watch, pen-and-pencil set and my fatigues. They left me with my trousers.

Q. Did they take your combat boots?

A. No, they didn't at that time.

Q. Did they remove the personal possessions from the other men, also?

A. I can't answer that. I don't know.

Q. How long was it after you were taken prisoner of war before you received any food?

A. It was all of a full day and a half before we received some rice in a pail.

Q. Can you briefly describe the type and amount of food you had during the entire period of time you were prisoner of war?

A. Well, my case was a little different, sir, because I escaped about four or five days after my first capture. I was recaptured again.

Q. Did you remain a prisoner of war from that time on until you were liberated?

A. Yes, sir, I did. Do you want the average amount of food and the type that we received?

Q. Yes.

A. The average food we got for the length of time I was a prisoner of war was usually a rice ball and corn meal ball mixed together, which was mostly the size of a good fist. We had that on the average of twice a day and sometimes three times a day. Every now and then, we would receive a bowl of soup to about three prisoners. At Seoul and at Pyongyang, we would receive bread rations and soup rather than rice.

Q. Now, from the time you were captured until liberated, how much weight did you lose?

A. I went down from 190 pounds to 137 pounds.

Q. Would you say that the other men with whom you were associated lost approximately that much weight, too?

A. I was one of the most fortunate ones in losing weight. I would say that the average other man lost as much weight—rather, had very little that he could spare, and was all skin and bones.

Q. Now, shortly after you were taken prisoner of war, were you required to undergo any march?

A. Yes, I definitely was.

Q. And that was while you were in a wounded condition?

A. Yes, sir.

Q. Were the other wounded men required to make the march, also?

A. They were, sir.

Q. When were the combat boots removed from the men?

A. The combat boots were removed from the men continuously during my status as prisoner of war. The North Korean soldiers and police officials would come and at the point of the bayonet would remove the combat boots off the men's feet.

Q. That included the wounded men, also. Is that correct?

A. Yes, sir.

Q. You and the other men, then, were required to undergo a forced march while in a wounded condition without adequate foot-wear.

A. They never took my shoes.

Q. But is that true of the others?

A. It definitely is. There were many wounded men that walked in their bare feet. There were 376 men in this group, and, of this group, at least two dozen men were barefooted. The majority of the men had these tennis shoes or sneakers or these loafer rubber shoes that the Koreans wore.

Q. It was not adequate foot-wear for a march. Is that correct?

A. It was not, especially with the road conditions of Korea.

Q. Is it also a fact that the wounded men were not in physical condition to undergo any march of any type?

A. That is true, sir.

Q. Will you relate, briefly, if you can recall, the names of the places during this march, from the time you left Hadong until you were liberated?

A. Yes, sir.

Q. And state the approximate length of time the entire march took.

A. For the first march, after touring all of South Korea, we started from Taejon north towards Seoul.

Q. Do you recall the date?

A. I can't recall the date. At that time, we were supposed to march twenty-two miles to reach a railroad station, and the wounded men and the other prisoners who left Taejon left on the assumption that they would march at the most twenty-two miles, and I estimated that we marched at least forty-five to fifty miles before we caught our first flat-top railroad car. Then, it was a series of getting on a railroad car or marching into Seoul. When we reached Seoul, they put us on a forced march throughout the entire city, which must have been at least ten miles without a break, and at a fast rate of speed. We arrived at a school-house at Seoul where the other prisoners were quartered. Many of the men, including myself, suffered black-out spells and just blacked out from mere exhaustion. Our next march was—started on or about 20 September, from Seoul to Pyongyang. We marched all the way into Pyongyang. The march ended on about 10 October 1950, and, during this march, the American soldiers who were not capable of catching up with the group and were not carried by the other soldiers in the group usually dropped to the rear of the column. Well, we arrived in Pyongyang on 10 October, and we stayed there until 14 October, and at that time the group moved out, but some of us, including myself, escaped again. The group moved out on foot, but I understand that it was split up into two groups and that they caught trains out. What happened to them I only know through stories of other men who escaped from this large group and from the newspaper clippings.

Q. Did you remain at liberty until you were liberated?

A. We remained at the school building for six days and six nights. We were helped by three Korean school-teachers. They fed us food and water.

Q. And where and when were you liberated, and by whom were you liberated?

A. We were liberated in Pyongyang. The same three civilians came in and took us out of the cellar and were taking us down one of the main streets of Pyongyang, and we saw the South Korean troops of the ROK Division and then the newspaper correspondents who were our first American contacts.

Q. Now, going back, Lieutenant, to the time of your capture in the vicinity of Hadong, are you able to describe and/or identify any of the North Korean Forces who seemed to be in charge of your group?

A. Not at Hadong; I don't believe I can recall the faces at that time. I was rather delirious at that time.

Q. Between the march and trip from Hadong to Seoul, were you under the jurisdiction of the North Korean military or civilian personnel or the police?

A. We were under the jurisdiction of the civilian police—not civilian police but just civilian guards.

Q. And who appeared to be in charge of this group?

A. There just didn't seem to be anyone of that group, sir, that I can recall.

Q. From Seoul to Pyongyang, were you under the jurisdiction of the civilian guards or the military?

A. From Seoul to Pyongyang, we were under the North Korean Army guards continuously throughout the entire march.

Q. What was the ranking officer—who was the ranking officer in charge?

A. The one that I thought was in charge was a short, little second lieutenant.

Q. By a second lieutenant, can you describe what insignia he had on his uniform?

A. The officer had one star on his epaulet, and his epaulet was of gold colour. He had one line down the centre and one star on this one line. He was the lowest ranking lieutenant.

Q. About how old would you judge him to be?

A. I would judge him to be my age, about twenty-seven.

Q. About how tall was he?

A. His height would be about five feet tall.

Q. What was his approximate weight?

A. About 110 pounds.

Q. Did he wear glasses?

A. He did not, sir.

Q. Did he have a moustache?

A. No, sir.

Q. Did he have any scars or moles or buck teeth or gold-capped teeth?

A. No, sir, he had a very clear skin. He had a baby face, and he seldom smiled. He always had a deep concern on his face.

Q. Did he speak English?

A. No, sir, he did not.

Q. Did he speak Japanese?

A. Yes, he spoke Japanese.

Q. Did you ever hear him called by any name?

A. No, I did not.

Q. Did you and the other men have a nickname for him?

A. No, sir.

Q. Was there anything you noticed unusual about his manner of speech, whether it was harsh and guttural?

A. His voice was always harsh. I understand, sir, that he had just recently been promoted to the officer grade and that, prior to his coming to Seoul, he was supposed to have been a non-commissioned officer of the North Korean Army.

Q. Was there anything about the way he walked or used his arms that would make him stand out from the other North Koreans?

A. No, sir, except that if I would see him again in uniform, he would stand out. He was so small.

Q. Do you think you would be able to identify him from a picture?

A. I positively can identify him, yes; that is, with his cap on. I have not seen him with his cap off.

Q. Were you ever beaten or mistreated by the North Korean Army?

A. I, personally, no.

Q. Were you by any of the civilian police or civilian populace?

A. Yes.

Q. When did this first incident occur?

A. When we were down at Kanggyong, by a civilian who would come in, kick us and hit the ones that were wounded around our wounds and would also take a rifle and cock it and point it at us.

Q. Did this happen often?

A. Very often while at Kanggyong.

Q. Where were you quartered while at Kanggyong?

A. They first put us in a civilian dungeon, and when this dungeon got strafed by planes, they removed us into some sort of a home. There were also some civilian prisoners with us. All during this time we were quartered in South Korea we were also quartered with the civilian prisoners.

Q. Do you know what section of town it was? Was it formerly a public building, city hall, et cetera?

A. It was in the jail-house area.

Q. Can you describe this civilian who administered these beatings?

A. He was a young lad; roughly, about twenty years old.

Q. Did he wear civilian clothes?

A. Yes, sir.

Q. How tall was he?

A. He was about five foot four, and I would say that he weighed about 120 pounds.

Q. Did he speak English?

A. No, he did not.

Q. Did you ever hear him called by any name?

A. No, I did not.

Q. Did you ever hear him called by a nickname?

A. No, sir.

Q. Was there anything unusual about him, any characteristic that would help to identify him?

A. He was wounded in the neck and in his shoulder; I believe it was his right shoulder. And he never hesitated to point out that a plane had given him this wound.

Q. Were they the type of wounds that would probably leave a scar?

A. Yes, sir.

Q. Were you ever beaten or mistreated on any other occasions?

A. I personally was not.

Q. Did you ever see any other United Nations prisoner of war beaten or mistreated by the North Koreans?

A. Yes.

Q. Will you describe the incident, the approximate time it took place and where it took place?

A. On our march from Seoul to Pyongyang, we had with us a Mr. Kim, who was the official interpreter at Seoul at the prison camp. Mr. Kim was about five foot six, and he weighed about 125 pounds; he wore glasses, and he spoke English. It was reported that, prior to the war, he was a newspaper reporter in Seoul. At one school-house where we were quartered after a night's march, Mr. Kim, who was always cursing out the prisoners of war, came in with a bamboo stick in his hand, and he started to hit everybody within his reach, because the prisoners apparently had not complied with the order he had put out. These beatings did not inflict any wounds on anybody, but it did hurt the men inasmuch as they were tired and sick from their wounds.

Q. Did you ever see any other United Nations prisoners of war mistreated?

A. Yes, sir. Along the march from Seoul to Pyongyang, this lieutenant who seemed to apparently be in charge of us...

Q. Was he the man you have already described?

A. Yes, sir. He would continuously beat on the prisoners who fell in the rear of the column, who could not physically make the forced march. On one occasion, he personally beat at Lieutenant ..., an American officer.

Q. Do you know the lieutenant's outfit?

A. No, sir. This lieutenant had fallen out, and he beat him with a riding crop, I think, that he had in his hand until a Japanese-American soldier who was trying to help Lieutenant ... burst into tears and was able to get him on an ox-cart. Lieutenant ... later died on the march. There was also another lieutenant that went along on this march.

Q. Was he North Korean?

A. Yes, sir, and of the same rank. He was a little taller, and they called him Lieutenant Parks. Most of the prisoners knew him because they always thought he was more gentle, and our commanding officer, Major ..., could always get a little more food and perhaps better

shelter from Lieutenant Parks than he could from this other shorter lieutenant.

Q. Did he mistreat or beat any of the prisoners of war?

A. No, sir, not that I know of. I just thought that perhaps he could identify this other lieutenant. He could speak English to an extent.

Q. Can you relate any other incidents where any United Nations prisoners of war were mistreated?

A. There was a man, an American prisoner of war, who continuously kept falling back to the rear of the column, some of the men fell back with him and tried to assist him, but they could not carry him as they were too weak, and as we were going along the road, a North Korean guard took this soldier and started to throw him into the ditch. The soldier made a feeble attempt to get up and about ten minutes later, a group sergeant came up and said that this second lieutenant whom I have mentioned had shot and killed him with a carbine alongside the road.

Q. Do you know the name of this boy who was killed?

A. I believe his name was

Q. What was his organization?

A. I don't know his organization, sir, but he was a short soldier, and he weighed about 130 pounds, and I believe his home State was on the East Coast.

Q. Do you know what his rank was?

A. No, sir. We had the listing of all our men, but unfortunately Major ..., our Commanding Officer, had the list, and I got separated from him.

Q. Did you at any time see the North Koreans kill any of the United Nations prisoners of war, including the South Koreans?

A. I did not personally see any.

Q. Did you, other than what you have related, witness or know of someone who witnessed any other acts of mistreatment directed towards the United Nations prisoners of war?

A. Only by stories that were told me, sir, by men who did see it.

Q. Is it a fact that, generally speaking, when you were marching, the men were constantly clubbed or forced back to the march when they began lagging behind?

A. There were men that fell outside the column to relieve themselves, and they would be either given a point of a bayonet, pushed by a hand of the North Korean soldiers or struck with the butt of a rifle.

Q. So the mistreatment was continuous throughout the march?

A. Yes, sir, it was continuous.

Q. Is it also a fact, Lieutenant, that at no time did you receive adequate medical care and attention?

A. That is correct for myself and for all of the other wounded prisoners.

Q. How many of the group of which you were a part died from the time you were first captured until you were liberated; that is, died from any and all causes?

A. From Seoul to Pyongyang?

Q. From Hadong to Seoul, did any die?

A. From Hadong to Seoul, I can't recall. From Seoul to Pyongyang, we started with approximately 376 American prisoners of war, and when we arrived at Pyongyang, there were approximately 296 left. The difference in number had died of malnutrition, had been killed on the road by the Korean officers, and some were strafed by accident by American planes.

Q. Lieutenant, with the exception of the ones that were accidentally strafed, is it your opinion, even though you are not a doctor, with what you had occasion to observe, that these men died as a result of a combination of their

injuries, malnutrition, lack of medical care and attention and mistreatment and fatigue?

A. It is my honest opinion that all of these men that were killed and died, with the exception of this accidental strafing, would be alive today except for the forced march, lack of medical care, malnutrition and mistreatment by the North Korean Army.

Q. It is then your opinion, Lieutenant, is it not, that if these men at the time of their capture had received proper medical care and attention, adequate food, had been hospitalized, allowed to rest, et cetera, they would probably be alive today?

A. It is my honest opinion that had the prisoners of war been treated according to the Geneva Convention, that they would be alive today.

Q. In addition to what you have related, Lieutenant, did you personally see any other act of mistreatment rendered to the United Nations prisoners of war?

A. Unfortunately, I know of so many cases, but I personally did not see them. Maybe it was because I wore my rank continuously throughout the march.

Q. Did the North Koreans treat you as the Geneva Convention provides that an officer should be treated?

A. As I understand the provisions of the Geneva Convention—and I worked with the prisoners of war in World War II—we were not treated under any circumstances as the Geneva Convention prescribes the treatment for the officers and the enlisted men.

Q. You mentioned a Major . . . Was he the ranking officer in the prisoner-of-war group you were in?

A. He was the ranking officer in the prisoner-of-war group I was part of from Seoul to Pyongyang.

Q. And who was the ranking officer prior to Seoul?

A. The ranking officer prior to Seoul in a group of approximately eighty was myself.

Q. While you were the ranking officer in the group of prisoners, did you make any effort or any request to the North Koreans to try to obtain better treatment and care for your men?

A. I personally could not make a request except through some of the American GI's who could speak a little Korean and Japanese, and none of these were to any avail, because the same answer would be, "Have no."

Q. In other words, although you did make requests and protest, they met with no success?

A. None whatsoever.

Q. Did Major . . . likewise protest and request better treatment and care for his men?

A. Major . . . was continuously requesting medical aid throughout the day and night for all of the wounded men. We were moved, and the requests were not fulfilled. His request was never fulfilled as far as medical attention was concerned.

Q. Now, Lieutenant, in addition to what you have described, what you either personally experienced or actually observed, do you have information of other violations of rules of land warfare?

A. Yes, sir.

Q. Would you relate them and try and give the source of your information.

A. There was a case in which a Sergeant Brown, who was the senior non-commissioned officer that was left back with a group of twenty-five wounded prisoners of war, during our march from Seoul to Pyongyang, and he reported to me that a North Korean guard had almost insisted that they bury a man who was alive together with a dead man in a grave. This he refused to do, and this soldier who was alive died within a half hour and was buried, however.

Q. Did the sergeant tell you where this took place and about when?

A. He identified the place as right outside of a red brick school-house where we spent approximately three to five days the first time that we stopped outside Seoul. The distance from Seoul, I would estimate to be between thirty-five miles to fifty miles.

Q. Did he say who issued this order?

A. The North Korean guard with the group.

Q. Did he state his name or describe him?

A. No, he did not. He just said that he was a North Korean soldier. We had the same soldiers guarding us all through the march.

Q. Do you know Sergeant Brown's organization or home State or anything that may help us to get in touch with him?

A. I know that he was from the 24th Division. The regiment he was from, I cannot recall. I believe it was the 34th Regiment.

Q. Do you know of any other such incidents?

A. Yes. A small group who left Seoul, approximately two days after our group of 376, carried with them a Corporal . . . who was from Company "I", 29th Infantry Regiment, and it was reported to me by another soldier, who is now at the 118th Station Hospital, who I know as Johnny, and a soldier by the name of Private Edward Halcomb, who is in the 118th Station Hospital. Corporal . . . was helping other men along the march from Seoul to Pyongyang—this happened, I believe, about 22 September—and that Corporal . . . blacked out alongside the road, and they tried to revive Corporal . . . by slapping his face and by calling to him, all to no avail. He said that the guards insisted that the column move on, since they were just a few hours ahead of the allied troops, which they did, and after they had gone a hundred yards down the road, these two soldiers reported that they heard gun fire. Also, they reported that Corporal . . . had died of gun fire. The guards who dropped behind joined the column in a few minutes, and this soldier who I identified as Johnny stated that positively Corporal . . . had been shot.

Q. Do you know of any other incidents?

A. At the 118th Station Hospital, we counted some more escaped American prisoners of war, who related an atrocity story that I am about to mention. These soldiers who can be identified by name by myself related that on one evening while they were . . .

Q. Could you name them now?

A. One is John Martin—Private Joe Martin, and I forget the names of the others—I can identify them by sight—and they stated that under the pretext of taking the men out to an evening meal in groups of thirty, the American prisoners of war were taken out and sort of put in a semi-circle and were sub-machine-gunned by the North Koreans who had taken them from Pyongyang; that these guards were a different set from these that had taken us from Seoul.

Q. Were they able to describe the ranking officer or identify any of those who actually did the shooting?

A. We questioned them as to whether or not they had an officer with the group guarding them, and they said that there was an officer, a North Korean Army officer, who was escorting the North Korean wounded along on the same train, and I believe they mentioned that this North Korean officer was also wounded himself. I believe they could identify this North Korean officer.

Q. Did they tell you how many they believed had been killed?

A. Yes, sir, they stated that the group had been divided into—the original group had been divided into two groups. That would mean that there would be seventy-five to one hundred in that group. According to my estimate, there were seventy-five to one hundred in the group that was massacred on this one train.

Q. Were others shot but managed to survive?

A. Yes, sir, there was one man by the name of Private John Martin, who put his hands up in front of his face and he was wounded and played dead and survived the ordeal, and he had an eye witness to account for it. Major ... and about a handful of others had been taken out previously, and, as far as they knew, they were executed in the same way, because they never reported back to the group.

Q. What was Major ...'s organization?

A. I believe that he was in S-3, sir, of the 34th Regiment.

Q. And you heard that he had been taken out and executed?

A. To the best of the knowledge of these men, Major ... had been taken out first with a Sergeant ..., a Sergeant ... and the original mess troops that we had, and nothing was heard from them again.

Q. Do you know of any other incidents of atrocities?

A. I can't recall any that come into my mind.

Q. Were you ever interrogated by the North Koreans while a prisoner of war?

A. Yes, I was.

Q. On any such interrogations, did they attempt to question you beyond your name, rank, organization and serial number?

A. They not only attempted to but also questioned us beyond our name, rank, serial number and organization.

Q. Was any force or duress used in these interrogations?

A. Yes, especially while I was in South Korea.

Q. Where was this and state the time.

A. This one time was in the city of Kwanju in the southernmost province of Korea, where I was given a lengthy interview. And when I asked why I couldn't state my name, rank and serial number and answer no other questions, a pistol was pointed at my head, and the North Korean officer said that this was the reason why.

Q. This interrogation was in English?

A. Through an English interpreter. He was of the rank of captain. I learned to understand that four stars on a epaulet meant a captain.

Q. Can you further describe him?

A. No, sir. He was of average Korean height, had a slim, thin face, high cheek-bones and straight black hair.

Q. During any of the interrogations, were you forced to sign a petition or a letter?

A. I was.

Q. Where was this?

A. In the city of Kwanju, I was forced to sign the last page of this interrogation that I was put through, and it was in the handwriting of this North Korean captain. Also, my thumb prints were put on each page.

Q. Did you know the contents of this statement? Was this in Korean or English?

A. It was in Korean.

Q. So you don't know for sure what was in there?

A. Yes, the questions were a little political. They asked me why we had come to Korea and why we were fighting. They asked me questions about my Regiment, Company strength, et cetera. I was forced to sign a petition addressed to the United Nations in the city of Kanggyong some time in August of this year. The best to my knowledge, the petition was supposed to be addressed to the United Nations, calling for the removal of American troops and the immediate cessation of hostilities in Korea, or words to that effect.

Q. You mentioned that you had been interrogated on other occasions. Did the same thing take place?

A. You mean the signing of a petition? No. Many North Korean Army officers questioned us at each jail as we went along. They never forced us to sign papers or petitions, but they were all in violation of the Geneva Convention.

Q. You mean the questioning was beyond that which is allowed according to the Geneva Convention?

A. Yes, sir. Also, the physical treatment either by weapon or by hand. It seemed that we had no choice but to answer the questions, as we would have to go without food, be beaten or threatened with a weapon.

Q. What is your present physical condition?

A. Right now, until I build up, I would say it is poor.

Q. Does your wound still bother you?

A. It bothers me like right now; it seems that my back is pulling.

Q. Are you still suffering from malnutrition or residue?

A. I am suffering from malnutrition and will be for some time.

Q. What about dysentery?

A. I just recovered from dysentery through American medical care about one night ago.

Q. Do you have an idea how long it will be before you will be returned to active duty?

A. I know if I am returned sooner than at least sixty to ninety days, I will not be fit for active duty.

Q. Do you have anything further to add, Lieutenant?

A. No, sir.

(Signed) Alexander G. MAKAROUNIS

With the Army of the Occupation
at Zama, Honshu (Japan)

On this 28th day of October, 1950, personally appeared before me, Alexander G. Makarounis, who is personally known to me, and who in my presence affixed his signature as appears above, and who at the same time stated that he had read the within and foregoing questions and answers, understood the contents therein contained, and that the same were true.

(Signed) Kenneth E. WASHINGTON, WOJG, USA
A commissioned officer in the United States
Army and duly authorized to perform
notarial acts per AW 114. Assistant Adjutant

Affidavit of Walter R. Whitcomb

City of Zama,
Kanagawa Prefecture,
Honshu (Japan).

Private Walter R. Whitcomb, being first duly sworn,
testified as follows:

Q. Please state your full name.

A. Walter R. Whitcomb (W-H-I-T-C-O-M-B).

Q. What is your rank and serial number?

A. Private; RA 12349858.

Q. How old are you?

A. Nineteen.

Q. Are you married or single?

A. Single.

Q. What is your State-side address?

A. 331 South Mark Avenue, Buffalo, New York.

Q. How long have you been in the Army?

A. Since 18 October, 1949.

Q. What was your civilian occupation?

A. Dye stamper.

Q. When and where were you captured as prisoner of war?

A. On 27 July, about nine miles south of Hadong.

- Q. When and where were you liberated?
A. About sixty miles north of Pyongyang, on 24 October.
- Q. What was your organization at the time you were captured?
A. 29th Infantry Division.
- Q. What battalion and what company?
A. 3rd Battalion, "K" Company.
- Q. Do you know Lieutenant Makarounis?
A. Yes, sir.
- Q. Was he a prisoner of war in your group?
A. Yes.
- Q. I will now show you Lieutenant Makarounis' statement and ask you to read same.
A. (Reads, silently, sworn statement of Lieutenant Makarounis.)
- Q. Having read the sworn statement of Lieutenant Makarounis, are all the incidents and atrocities therein related true to the best of your knowledge and belief?
A. Yes, sir.
- Q. Do you have anything further to add to his statement?
A. No, sir.
- Q. On what date approximately did you leave Pyongyang?
A. Approximately 14 or 15 October.
- Q. How many prisoners of war left in your group?
A. Approximately 300 prisoners.
- Q. Was Major ... in your group?
A. Yes.
- Q. Were you then conveyed on railroad cars going north?
A. Yes, sir, we travelled about five kilometres by foot, and then we were put on a train.
- Q. The last day of the trip, your train remained in the tunnel during the day?
A. We remained in the tunnel during the day and left that night. We went north thirty miles further and remained on the tracks one more day.
- Q. Then what happened?
A. Then we were removed from the tracks that night; about ninety men that could walk were taken further. About thirty-five or forty of us were shot dead.
- Q. Were your hands tied behind you?
A. No.
- Q. Who was in charge of this group of prisoners? Who was the ranking North Korean?
A. Until we reached Pyongyang, Lieutenant ... was.
- Q. After Pyongyang, along your road of march, who was in charge?
A. Johnny.
- Q. He was in charge?
A. Yes, sir.
- Q. A South Korean you nicknamed Johnny?
A. Yes.
- Q. How many men fired upon your group in the tunnel?
A. About ten of them.
- Q. What type of guns were they using?
A. Burp guns and rifles.
- Q. Did you hear anybody give an order to fire?
A. Well, I heard it in Korean, but I couldn't understand that.
- Q. Who issued that order?
A. An officer who threw us out from the back cars after the other men moved out.
- Q. Can you describe this officer?
A. If I ever saw him again, I would know him.
- Q. How tall was he?
A. Five foot seven.
- Q. How much did he weigh?
A. About 160 pounds.
- Q. About how old did you judge him to be?
A. About twenty or twenty-two.
- Q. Did he wear glasses?
A. No.
- Q. Did he have a moustache?
A. He had a small moustache.
- Q. Did he have any scars or moles on him or anything that would serve to identify him?
A. He had one eye, the right eye, that didn't seem to open up all the way.
- Q. Did he speak English?
A. No.
- Q. Did he have buck teeth or gold-capped teeth?
A. Yes, sir, he had two on the uppers.
- Q. Do you know what his rank was?
A. No, I don't.
- Q. Do you know what insignia he had?
A. He had two stars on the epaulet.
- Q. Did he carry any sidearms?
A. Yes, sir, a .45 pistol.
- Q. Was there anything unusual about the way in which he walked or waved his arms that might make him stand out?
A. His eye made him stand out.
- Q. Do you think that you could identify him from a photograph?
A. Yes.
- Q. Can you describe any of the North Koreans who were in the firing squad?
A. Outside of him, no.
- Q. Where you hit at the train incident thirty miles north of tunnel?
A. Yes, sir.
- Q. Where?
A. In the left arm and left leg.
- Q. How many were killed in your group?
A. Everyone there died except three of us.
- Q. After you were shot, what did you do?
A. I just lay there.
- Q. Did they come up to check to see if you were still alive or not?
A. Some of them went down the line, and if they heard some of the men groan, they stuck them with a bayonet.
- Q. How long were you there?
A. I stayed all that night.
- Q. Then what happened?
A. On the next morning, Slater and I moved down to the railroad depot which was about ten or twelve hundred yards down. We stayed there that same night, and on the next morning we got up and went down to a Korean's house to see if we could get some food. We hadn't eaten in four days. That was when we were turned over to the South Koreans. They took us about a mile up the road to the American troops.
- Q. How much weight did you lose while a prisoner of war?
A. Quite a bit. I don't know the exact amount.
- Q. What is your present physical condition? Are your wounds healing?
A. Yes, slowly.
- Q. After you return to the States, and recuperate and get well, would you care to come back to Korea either

to work on war crimes investigations or testify as a witness in war crimes trials?

A. Yes, sir, I would. I would like to come back.

Q. Do you have anything further to add to your statement?

A. No, sir.

(Signed) Walter R. WHITCOMB

With the Army of the Occupation
at Zama, Honshu (Japan).

On this 2nd day of November, 1950, personally appeared before me, Walter R. Whitcomb, who is personally known to me, and who in my presence affixed his signature as appears above, and who at the same time stated that he had read the within and foregoing questions and answers, understood the contents therein contained, and that the same were true.

(Signed) Kenneth E. WASHINGTON, WOJG, USA
A commissioned officer in the United States
Army and duly authorized to perform
notarial acts per AW 114. Assistant Adjutant.

A true copy:

(Signed) Robert M. MURRAY

Major, JAGC

8. Korean War Crimes case No. 76

Date: 20 October 1950.

Place: Railroad tunnel, 4 1/2 miles north-west of Suncheon (YD 4874).

Victims: 68 American soldiers.

Suspects: Lee Man Yung, 113572; Song Yang Jik, 90131.

When the fall of Pyongyang to United Nations Forces became imminent, the North Koreans commenced the movement of American prisoners northward from that city. These prisoners, consisting mainly of American survivors of the Seoul to Pyongyang "Death March" and a few ROK soldiers, were put on a train some time around 16 October 1950.

After riding exposed to the cold, on flat-cars, they arrived at a railroad tunnel approximately 4 1/2 miles north-west of Suncheon on 20 October. The train remained inside the tunnel all day due to activity in the area by the United States Air Force.

In the early afternoon the men were promised their first meal in several days. Prior to this time they had eaten only hard crackers doled out at various times along the way. A detail of fifteen men was selected to go to a village near-by, to prepare the food. With these men went Major ..., ranking United States officer among the prisoners.

Later the men remaining in the tunnel were told the food had been prepared and that a Korean home in the village was to be used as a mess hall. They were also told that, due to limited space in the home, they would be divided into small groups and taken out one group at a time.

The first group, about thirty men, was taken out of the south entrance of the tunnel, down the tracks a short distance, and into an erosion ditch. There they were told to sit down and the food would be brought to them. After the men sat down, the guards opened fire with burp guns and rifles. Many of the victims died from the initial burst of fire, and those moving around were fired on a second time or beaten on the head with rifles. Several men survived by feigning death, as the guards did not check to see that all had perished.

Two more groups were taken out and treated in the same manner before the train departed, carrying the remaining prisoners. As in the first case, the men were

fired on while sitting helplessly with their rice bowls in their hands.

On the following day, 21 October, sixty-eight dead bodies were found in the three main groups by the American forces. Gunshot wounds were evident in the upper portion of the bodies and in the heads. The men were poorly clothed; some were found wearing rags. Cartridge cases were lying on the ground near-by, indicating they were fired on from close range.

Inside the tunnel, seven more bodies were found. These men apparently died of malnutrition and exposure, as their bodies revealed no wounds or marks of violence.

Survivors were found among the mass of dead bodies; others started coming from the hills where they had taken refuge after the massacre. A thorough search of the area was made surrounding the tunnel but no more bodies were found. The fate of Major ... and the men who left with him is still unknown.

Survivors state that the guards did the actual shooting. Most of them were of the NKPA, but one was a South Korean traitor, known only as "Johnny".

Sworn statement of Brigadier General F. A. Allen, Jr.

Pyongyang, 26 October 1950

I am the Assistant Division Commander of the 1st Cavalry Division. On Saturday, 21 October 1950, while present with the Task Force Rogers, 1st Cavalry Division, at its junction with a battalion of the 187th ABN RCT, I talked with a Lieutenant Blalock and four other Americans who had been PW's of the NK Army but who had the day previously escaped from the railroad car bringing the PW's to the north. He indicated that there were more than 100 still remaining on the train, which he presumed was now close to the Manchurian border. I directed the commander of Task Force Rogers to send these five returned prisoners to the air strip at Pyongyang for prompt evacuation, which was done.

Later, at about 11 o'clock, I went in to visit the Battalion Commander of the 187th BT (Colonel Boyle) to inquire if the 1st Cavalry Division could be of any assistance to them. I was advised that they were in good shape and needed no assistance, that their drop had been successful and supplies appeared adequate. I later went in to Suncheon to establish contact with the 7th ROK Regiment, 6th ROK Division, which had entered that city the night previously. Shortly after my arrival it was reported to me that a civilian had reported finding bodies of American soldiers in a tunnel north-west of the city. With the aid of a civilian guide and accompanied by Major Fleming and a Captain Olsen—both of KMAG—we drove out about ten miles to the area reported and in the tunnel found seven emaciated bodies of American soldiers in a pile near the northern exit of the tunnel. From all appearances these men were not shot to death but died of starvation—which surmise was confirmed later by other Americans familiar with the incident.

Shortly after the discovery of these seven dead an alarm was raised by the ROK driver who said he saw soldiers on top of a hill but could not distinguish whether they were Americans or enemy. Investigation proved them to be six American soldiers—four of whom were wounded. A further search of the area found additional American soldiers, many of whom were wounded and left for dead. In addition a great many American dead were found, generally in three groups. One group—the largest—was in a shallow trench type of grave which we opened to determine that Americans were buried therein. It was later reported to me that seventy-four bodies in all were in the small area north of the tunnel exit.

Civilians from the surrounding community were put into service with litters to carry out the wounded and

with those able to walk transportation was arranged for these American PW's to bring them to Sunchon where they were turned over to the US medical officer with the 187th RCT. Arrangements were completed with the 7th ROK Regiment for transportation for the returned PW's to Pyongyang next morning where they were delivered to the medical evacuation unit at the airstrip, Pyongyang, about 2 p.m. Sunday, 22 October.

Including those whom we saw with Task Force Rogers column and two whom we picked up on Sunday, the 22nd, there were approximately thirty rescued, two of whom died in Sunchon the night of their return.

I asked the 187th to notify the Graves Registration Service to arrange proper identification of the dead and suitable burial.

The individuals present with me when the above took place were my aide, Lieutenant Jo Hodes, two newspaper men, Mr. Don Whitehead of AP and Mr. Tucker of the *Baltimore Sun*, who had come up with me from Pyongyang, Major Fleming, and Captain Olsen with the 7th Regiment, ROK.

The medical officer of the 187th RCT was a Captain Bernsteen, who rendered most valuable assistance to the group. One of the seriously wounded was evacuated by helicopter on 22 October and the others were flown back to Japan from Pyongyang on Sunday afternoon, 22 October.

(Signed) F. A. ALLEN, Jr.
Brigadier General, USA

Subscribed and sworn to before me this 26th day of October, 1950, at Pyongyang, Korea.

(Signed) Robert E. BROWN
Major, JAGC

Statement

Pyongyang, Korea
24 October 1950

Captain L. D. Van de Voort, 039071, Infantry, after having been duly sworn deposes and states as follows:

I am the Commanding Officer of "F" Company, 187th Avn. RCT. On 21 October 1950, a ROK officer and enlisted man came to the CP with two American PW's who reported that a number of American PW's had been killed by North Koreans after they had been taken out of a tunnel north of Sunchon. At about 1200 hours, 21 October 1950, I set out with Lieutenant M. A. Johnston and his platoon, in vehicles we had borrowed from the ROK's with a ROK guide and my interpreter and proceeded to a tunnel in the vicinity of Yonchon'onch'am. At the southeast end of the tunnel a party of ROK soldiers, with aid personnel, were already there and were giving first aid to wounded American PW's. First of all I organized first aid parties and arranged to evacuate the wounded, after which I checked the area. I found four heaps of dead American soldiers. It appeared to me that there were about fifteen or twenty dead in each one of the heaps. The dead were piled in erosion ditches roughly perpendicular to the railroad tracks, and in one heap in a corn-field. One of the heaps was partially covered with dirt. When I inspected the southern entrance to the tunnel, I found seven more American dead in the tunnel who had not been shot. I examined the bodies of the PW's who, it appeared, had been sprayed with bullets, and it appeared that the weapons had been fired from above and from the rear. The bullets entered the bodies of the PW's at a point above where they came out.

To me it looked as if the PW's had been lined up in the erosion ditches alongside the railroad tracks and shot by someone standing on the banks of the ditches. They must have been shot at close range because shell casings

were lying on the ground near the top edges of the ditches.

I examined the bodies of the dead and saw that all had apparently been very poorly fed. They were very thin and emaciated. All were poorly dressed. Their clothing, such as it was, was in rags. There were seventy-three dead in all.

My civilian address is Bankhead Road, Montgomery, Alabama.

(Signed) L. D. VAN DE VOORT
Captain, Infantry

Subscribed and sworn to before me, this 24th day of October, 1950.

(Signed) Paul A. ROBBLEE
Major, JAGC

A true copy:

(Signed) Burton F. ELLIS
Colonel, JAGC

Statement of Private Roy G. Sutterfield

City of Zama,
Kanagawa Prefecture,
Honshu (Japan).

Private Roy G. Sutterfield, being first duly sworn, testified as follows:

Q. What is your name, rank and serial number?
A. Private Roy G. Sutterfield; RA 13333512.

Q. What outfit were you with when captured?
A. Company "F", 5th Cavalry Regiment.

Q. When were you captured?
A. 25th day of July, 1950.

Q. Where?
A. At Yongdong.

Q. Were you wounded when captured?
A. No, sir.

Q. Were you with others when captured?
A. No, sir, I was alone.

Q. How long was it before you joined a larger group of prisoners?
A. I joined about ten or twelve that evening after I was captured.

Q. At Yongdong?
A. Yes, sir.

Q. How many were in this group?
A. I think altogether they were—just picked them up over the hills.

Q. Well, how many were there?
A. Ten or twelve.

Q. How long were you there at Yongdong?
A. They kept us there that night and then moved out to Taejon.

Q. At Taejon did you join a larger group?
A. Yes.

Q. How many?
A. About a hundred.

Q. How long did you stay at Taejon?
A. I don't remember now. We stayed there maybe ten days. I am not sure.

Q. Were there men at Taejon who were wounded?
A. Yes, sir.

Q. Did they get medical treatment?
A. Yes, sir, I noticed they did give those guys medical treatment.

Q. Did they feed you people?

A. Yes, sir. It is the only time they did give them rice and some kind of soup 'most every meal, three times a day. They would at least get a rice ball at each meal.

Q. When you left Taejon, was it on a march?

A. Yes, sir.

Q. How many were in the march?

A. There was one hundred and some of us when we left Taejon.

Q. Was Lieutenant ... with you at that time.

A. No, sir, he wasn't in my group. He came up later.

Q. What officers were with you at that time?

A. There was one lieutenant but I have forgotten his name. There was Captain ..., but he couldn't walk.

Q. Well, this group that started out to march from Taejon, were there any wounded among them?

A. Yes, sir, there were some. They didn't want to be left behind. They said anybody that could walk. They told us all about Seoul. They didn't force us to march from Taejon, and all the guys that were possibly able to walk did try to go. They weren't wounded too bad. They tried to make the march.

Q. Did they all make Seoul?

A. Yes, sir, they all made Seoul. We had to leave some of them along the wayside at certain places, but we would have to lay over at some places longer than scheduled, and they would catch up.

Q. So that everybody that started out from Taejon made Seoul?

A. Yes, in my group.

Q. Were there any beatings of prisoners while marching?

A. No, sir, not from Taejon to Seoul.

Q. Well how long did you stay stay at Seoul when you got there and where did you stay?

A. We stayed in a school building over a month, if I remember just right. We were treated pretty good there. We had mats to lie on and they gave us a piece of bread and soup twice a day.

Q. And did they treat the wounded among you?

A. Yes, sir. Some of the wounded were very bad when my group got there and they did treat them. Their medical supplies got awful low after we were there for a few days, though.

Q. Was there any mistreatment at Seoul, or did you get mistreated at Seoul?

A. No, sir.

Q. Did you see anybody beaten?

A. No, sir.

Q. Did you hear of anybody beaten?

A. I heard of a guard or so slapping around, or this person in charge slapping or pushing around, but it was just hearsay and probably he tried to steal something.

Q. Well how about this man, Mr. Kim?

A. He was pretty bad. Major ... got us better conditions there and everything.

Q. Can you describe this Mr. Kim? Is that his full name, as much as you know of it?

A. As much as I know of his name.

Q. Well, how tall was he?

A. He wasn't a very tall fellow. He was a short guy.

Q. Five feet what?

A. Maybe five feet five; something like that.

Q. Wear glasses?

A. Yes.

Q. Anything else about him that would help in identifying him?

A. Sort of slightly graying around the temples.

Q. Buck teeth?

A. Yes, sir.

Q. Gold in his teeth?

A. I think he had a little bit of gold on one side, sir. I am not sure, but I think he had one little bit of gold on one side. He had an awful bad habit of when talking putting his hands on his back hip pockets on both sides.

Q. Then you stayed at Seoul for thirty days and as far as you are concerned you didn't see anyone beaten; is that right?

A. Yes, sir.

Q. And you were not beaten yourself?

A. No, sir.

Q. And men were given medical treatment and food of a sort; is that right?

A. Yes, sir.

Q. When you left Seoul, how many were in your group?

A. Three hundred and seventy-six, they said. I didn't keep count myself.

Q. How many arrived at Pyongyang, approximately?

A. Two hundred and something. We had lost over a hundred.

Q. Did you see them drop out on the way?

A. Yes, sir.

Q. Did you see any killed in your presence?

A. Well, I didn't see the bullet hit between the eyes but they would be shoved off to the side and we would hear the bullet.

Q. Well, on this trip from Seoul to Pyongyang, is there anyone you can remember as being in charge, more or less, of the group of you?

A. In the Korean group, you mean?

Q. Yes.

A. Yes, a little Korean lieutenant officer. He was the cruelest thing, I guess, there was.

Q. How tall was he?

A. Real short.

Q. How short?

A. Short as this here Kim or shorter.

Q. How many stars on his shoulders?

A. I don't remember.

Q. What else can you tell me about him? What else is there about him to identify him?

A. For a Korean, he wasn't a bad-looking guy. He was a clean-cut-looking young fellow. You would think by looking at him he was generous; I mean just that appearance of face.

Q. Well, what did you see him do that wasn't generous?

A. Well, he would march us so hard along the road and keep us going without any food and water for four or five hours at a time. And some of the guys that couldn't make it, we would want to get him on the cart and he wouldn't stop, and some of the guys would have to drag and run and try to get back up to their columns where they were supposed to be and Major ... and the officers would plead with him to stop and let us get water and give the men a break, that they wouldn't make it. And from then on is when we really started falling out and dying, and so forth. The first day or so wasn't so bad but after that they started pushing us and they started dropping out very fast.

Q. This lieutenant knew about the way the soldiers were treating the men that fell behind, didn't he?

A. Yes, sir. He would be behind himself sometimes. They started out with some carts and they would let the real sick guys and the wounded on the carts and they wouldn't be able to get on the carts unless he would be able to see, and I guess they would have to pass his opinion whether they were bad enough off to get on there.

He knew how they were treated. In fact, he was the one that was doing it.

Q. This Mr. Kim, was he with you part of the way out of Seoul?

A. Yes, sir, until we got across the 38th parallel and his feet got so bad he had to stay back.

Q. He would know the names of this officer and others in charge of this group, wouldn't he?

A. Yes, he would know.

Q. Was there anybody else besides this lieutenant and Mr. Kim that you can think of in charge of this group on the road from Seoul to Pyongyang that you can describe?

A. No, sir, I don't know of any except there was one guard. I was in what they called "A" group. The guard told us to call him John. He was the only decent guard. We were in front and we got a lot of the breaks coming along to the gardens and stuff, and he wouldn't shoot us when we would go to pick up a piece of green or he would pick up an apple for us.

Q. Was he a former South Korean?

A. I don't hardly think so, but I never once saw him take his weapon off. We never gave him any trouble. He was the only guard that was regular.

Q. Well, you finally reached Pyongyang. Was Lieutenant ... there at Pyongyang when you were there?

A. Sir, I was pretty sick and weak there. I don't remember. I believe he was, though. I am not sure.

Q. Well, you say you weren't wounded when you were captured? Where were you wounded?

A. Sir, I don't mean wounded. I was pretty sick.

Q. Were you treated by anyone at Pyongyang?

A. No, sir. I think the Major finally talked some of the soldiers into getting some medical supplies and a few rolls of tape and bandage and they bandaged up some of the feet, and everybody began to have such colds and sore throats. I believe they got enough tablets for everybody to have one or two apiece there one day.

Q. Well, did you leave Pyongyang when everybody else did, about four or five days later?

A. Yes.

Q. And you took this train ride that ended up in the tunnel?

A. Yes, sir.

Q. And what happened to you at the tunnel?

A. Well, sir, the day that they brought us in the tunnel—we hadn't travelled any that night. We had slept in the trains that night on the track and they decided, I guess, to move us early that morning. They unhooked the engine and moved up in the tunnel early that morning and left us in there all that day. So along that evening we were having five or six people die every day and I was helping my group sergeant carry out the prisoners that had died that day and getting their identification tags and everything to bury them. Before this, the planes were coming over so bad they wouldn't let us bury them. They said they would feed us and called us out in columns of thirty. And they said it was a small place and they called out "chop chop", and the first bunch they called out thirty. I was in the second bunch and sat there and waited. We heard the shots down the tracks away. We didn't think too much about it. Someone said it sounded like they were having a gun battle down there and we thought the guards were shooting over their heads at someone who was in a garden or something. I think I made that remark and there wasn't any more thought about it until they came up to get the second group. Going down there in the second group I began to think about just taking thirty at a time. We didn't meet the first group. And when we got down to where they had turned to the left, we turned to the right and they took us off the railroad a very short ways and sat us

down in columns of three, and I was about the fourth man from the front in the centre row. And two guys on the end of the group got burp guns and two on the other end had single shots. And as I turned around I saw these two guys at the end and what they were going to do. And so with these automatics they were faster than these two guys on the end with single shots, so I fell on my side before they shot me. I mean the rifles did. Even though I was already hit, they didn't get me in the head, just a glance through the shoulder.

Q. Did you manage to get away after the guards left?

A. Yes, sir, they stayed there several minutes. They moaned and moved a little and they would finish them up.

Q. But you laid still?

A. Yes, sir.

Q. Did they touch you to see if you were dead?

A. They came through touching everything. Yes, sir, I laid still. I had been through that before.

Q. Where had you been through that before?

A. When I had been in action. They didn't take any prisoners the day we had been ambushed at Yongdong.

Q. Well how many of that group were able to get away from there?

A. There were six of us that cleared out that night and stayed in a cane stack and crawled out in the ditch together. There were two that weren't wounded and four of us that were. We thought we were the only six out of the thirty but there was one down at the other end. There were seven out of the second group altogether.

Q. When was it you finally reached friendly troops?

A. The next morning we were still down by the hill. I was afraid they were keeping trains in that tunnel every night and there might be troops in there every night, so we thought it best to get on top of the hill if possible. So we crawled on top of the hill and stayed that day. And that evening this one boy that went down to the bottom to the village and got us some water from a civilian Korean and he gave him a little bowl of rice and he brought it back up and we all had a little bit of rice. And he came back up there again and said something about Americans. We still didn't know the Americans were close. We hadn't seen any Korean troop movements that day at all, but we didn't know they had moved out that quick. It wasn't long then until General Allen and them showed up.

Q. Well tell me this, Sutterfield, from the time you left Pyongyang and walked to that railroad station and the few days until you came to this tunnel and this massacre that took place, is there anybody along that route, either guards or burp gun users or any officers or anybody who seemed to be in charge, that you could describe or identify for me.

A. No, there didn't seem to be anybody in charge.

Q. Well, are there any of the guards that you could identify by name—that you people called by name?

A. No, sir, I couldn't. A lot of the boys could speak enough Korean that they would get talking to some of the guards and they would tell them what their name was and so and so, but I couldn't.

Q. What were you doing before you came into the Army?

A. I was working at a stove mill with my father.

Q. What were you doing?

A. Operating a caterpillar.

Q. What is your home address?

A. Route I, Cameron, West Virginia.

Q. With whom do you live there?

A. Mother and father.

Q. How old are you now?

A. Twenty-two, sir.

Q. There are probably a lot of these people you could identify if you saw them; is that correct?

A. Yes, sir, I could identify most any of them.

Q. Well in the future, through Mr. Kim or one of these people or maybe this lieutenant that so many of you talk about, if we were able to get some of these suspected atrocity doers, would you be willing to go on temporary duty to Korea for the purpose of pointing out and helping identify these people?

A. Yes, sir.

Q. Do you remember how much you weighed when you were captured?

A. Yes, sir, I weighed always around 168 to 170 pounds.

Q. Do you remember what you weigh now?

A. Pretty thin. Less than 100, I think.

(Signed) Roy S. SUTTERFIELD

With the Army of the Occupation,
at Zama, Honshu (Japan).

On this 2nd day of November, 1950, personally appeared before me Private Roy G. Sutterfield, who is personally know to me, and who in my presence affixed his signature as appears before, and who at the same time stated that he had read the within and foregoing statement, understood the contents therein contained, and that the same were true.

(Signed) Kenneth E. WASHINGTON WOJG, USA

*A commissioned officer in the
United States Army and duly
authorized to perform notarial
acts per AW 114. Assistant Adjutant.*

Statement of John Ervin Martin

City of Zama,
Kanagawa Prefecture,
Honshu (Japan).

John Ervin Martin, being first duly sworn, on oath, testified as follows:

Q. Please state your full name.

A. John Ervin Martin.

Q. What is your rank and serial number?

A. Private; RA 16322959.

Q. How old are you?

A. Eighteen.

Q. Are you married or single?

A. Single.

Q. What is your State-side address?

A. 590 East Lewiston, Ferndale, Michigan.

Q. How long have you been in the Armed Forces?

A. Nine months.

Q. When and where were you captured?

A. 31 July, at Chenju.

Q. What was your organization at the time?

A. Company "K", 29th Infantry.

Q. I now show you a sworn statement executed by Lieutenant Alexander G. Makarounis and ask you to read it. Have you had an opportunity to read the Lieutenant's sworn statement?

A. Yes, sir.

Q. To the best of your knowledge and belief, are all the statements therein contained true?

Q. Does this statement of Lieutenant Makarounis clearly reflect and describe incidents that took place while you were a prisoner of war?

A. Yes, sir.

Q. About what date was it that you left Pyongyang?

A. About 15 October.

Q. How many were in the group that went with you?

A. About 180.

Q. At the time you left Pyongyang what was your physical condition?

A. Very poor. I just about had pneumonia, and was suffering from dysentery.

Q. Had you lost a lot of weight?

A. Yes, about forty-five pounds and my condition was very weak and I could hardly walk.

Q. Is it true that at the time you left Pyongyang that certain events were very hazy?

A. Yes, sir. There is one incident that is worthy of mention. Just before we moved out, I decided to move into the sick room. That was a room set aside for the men that were either dead or dying. They were all suffering from dysentery and exposure, starvation and everything else. They were given no medical care or treatment. They were kicked by guards and beaten. Myself and several others decided to move into the sick room when we got the word we were going to leave. The rest of the group fell out. A South Korean traitor, known only as "Johnny", brought a bunch of guards up and began beating and kicking the sick men and trying to move them out of the room. The men in the main group were in such bad condition that they were unable to help carry anyone else and were just able to carry themselves and that is all. It became necessary to fall a whole group out. We were divided into three groups to carry the sick men from the sick room upstairs. The guards beat and kicked the men that couldn't walk, men that couldn't even lift their head up, and this third group was the group that fell out and carried the sick men to the train, where we were loaded on open coal gondolas.

Q. How long did you remain on this train?

A. We were on the train about four of five day. We travelled at night and stopped at open fields in the day time, and we ate raw vegetables, such as corn and radishes that we stole.

Q. And eventually your trip ended in a tunnel near Sonchon?

A. That is right.

Q. Now between Pyongyang and this tunnel at Sonchon, did any of the prisoners of war die?

A. Yes, sir.

Q. About how many?

A. Our average death rate was about three to five a day.

Q. What was the cause of their death?

A. Exposure and starvation and dysentery.

Q. Do you feel that these boys who died on the train and those who died at Sonchon and Pyongyang would be alive today if they had received proper medical care and attention and the proper food and rest?

A. Yes, I do very much. If they had made any effort at all, most of them would have lived.

Q. With reference to this South Korean traitor that you have previously referred to, would you say that he was responsible for the deaths at Pyongyang? Can you describe him?

A. He was about five feet eight inches tall, weighed about 170 pounds, and he was very light for a Korean. He was the type that looked more American, very good-looking, and was more like the Western type.

Q. Did he have any scars, gold teeth or marks on him?

A. No, sir. I can't remember.

Q. Did he speak English?

A. Broken English. He spoke very good for an uneducated man.

- Q. Did he ever say where he lived before the war?
A. I don't know about that.
- Q. Did he go along with you and the other men from Pyongyang?
A. Yes, sir.
- Q. Did he stay on the train?
A. Yes, sir.
- Q. Was there a Major ... in your group?
A. Yes, sir.
- Q. Did he also accompany your group on the train?
A. Yes, sir.
- Q. At what time of day did you first arrive in the tunnel?
A. I think it was about eight in the morning.
- Q. And did you and the other men remain in the tunnel until around dusk?
A. No, some of the men went out for water and about five of them went out to dig a grave.
- Q. How many did you have ready for the burial?
A. Four.
- Q. And did you later discover that others were dead?
A. Yes, sir, we later discovered three more.
- Q. Will you describe what happened later that afternoon?
A. They came in the car and told us to get ready for chow.
- Q. Who came in?
A. The guards.
- Q. Who was apparently in charge?
A. That is something I don't know. They fell us all out to the mouth of the tunnel. They took the first group out.
- Q. How many were in the first group?
A. I believe between thirty and fifty. They were gone about five minutes and we heard shots.
- Q. Was it small-arms fire?
A. Yes, sir, in short bursts.
- Q. Did it sound like a burp gun?
A. Yes, sir. We didn't think anything about it. I didn't think of them shooting the men. It never occurred to me because the Koreans were always firing their weapons anyway. We waited there about twenty minutes and the guards came back. They told us the house where we were to get the chow was a small house and the reason we were broken into small groups. They took us out. We were in the second group.
- Q. How many were there?
A. About thirty. We followed the railroad track until we came to a cliff about 500 to 600 yards from the tunnel. I had trouble keeping up because of my feet, so I was the last one to get around the bend. We turned right and walked up a ditch. The guards were on the back on the left side of us. They told us to sit down. Then they spread out and opened fire.
- Q. How far away were they?
A. About fifteen or twenty feet.
- Q. How many men were doing the firing?
A. About eight men.
- Q. What type of guns were they firing?
A. Mostly Russian tommy-guns.
- Q. What happened when they started firing?
A. I sat there and then I dove for the embankment and hugged the ground, and did a lot of praying.
- Q. Were you hit?
A. No.
- Q. How many were killed?
A. I believe about seventeen.
- Q. Did they come over to check to see if any were dead?
A. They stayed on the bank above us and shot any man that moved. They didn't come near me; I was on the end, the last man.
- Q. Then what did you do?
A. We laid there until I thought they had gone and I started to look around for somebody else that was alive. There were about six men left alive. There was another man that wasn't wounded and he and I decided, along with three others, that we had better get out of there before they came back. We thought they would be back with bayonets, so crawled out of the ditch into the corn stalks and stayed there until morning, and that is where we were found.
- Q. While you were lying in the ditch and after your group were shot, did you hear any bursts of gun fire?
A. Yes.
- Q. Where did the firing appear to be coming from?
A. It appeared to be from the left of us and a little behind us. There was a lot of rapid fire and then just shots here and there. The train pulled out while I was in that ditch. I must have been in that ditch a couple of hours.
- Q. Who apparently was in charge of guarding the prisoners of war while they were on the train.
A. There was a captain and a Korean lieutenant.
- Q. Can you describe either or both of these men?
A. The captain was tall, about five feet, eleven inches. I am not able to describe them further because I didn't see them very often.
- Q. Do you feel that you could describe them from a line-up or picture?
A. No.
- Q. Was this South Korean whom you have already described, and whom you called "Johnny", present in the tunnel?
A. I don't know.
- Q. With reference to these approximately eight men who fired on your group, can you describe any of these men?
A. No, I was not familiar with the new guards.
- Q. Was a command to fire issued by any of them?
A. I don't know. The men were already lined up in the ditch when I got there, and I sat down when the firing started.
- Q. What is your present physical condition?
A. I am pretty weak and under-weight about forty pounds.
- Q. Have your injuries healed?
A. Yes, my injuries are beginning to heal up.
- Q. Do you have any desire upon regaining your health completely to be assigned for duty in Korea with the War Crimes Division with a view towards assisting them in investigation work, identifying suspects, and perhaps testifying as a witness?
A. I would like very much to do so.
- Q. Do you have anything further to say?
A. No, sir.

(Signed) John E. MARTIN

With the Army of the Occupation
at Zama, Honshu (Japan)

On this 31st day of October, 1950, personally appeared before me John Ervin Martin, who is personally known to me, and who in my presence affixed his signature as

appears above, and who at the same time stated that he had read the within and foregoing questions and answers, understood the contents therein contained, and that the same were true.

(Signed) Kenneth E. WASHINGTON, WOJG, USA
A commissioned officer in the United States Army and duly authorized to perform notarial acts per AW 114.
Assistant Adjutant.

Affidavit of Valdor W. John

City of Zama,
Kanagawa Prefecture,
Honshu (Japan).

Private First Class Valdor W. John, being first duly sworn, testified as follows:

Q. Please state your full name.
A. Valdor (V-A-L-D-O-R) W. John (J-O-H-N).

Q. What is your rank and serial number?
A. Private First Class; RA 16282077.

Q. How old are you?
A. Nineteen years old.

Q. Are you married or single?
A. Single.

Q. What is your State-side address?
A. 707 West National Avenue, Milwaukee, Wisconsin.

Q. When were you captured as prisoner of war?
A. Somewhere between 5 and 8 August.

Q. Where were you captured?
A. In the hills near Okchon, South Korea.

Q. What was your organization at the time you were captured?
A. It was Graves Registration, 24th Infantry Division.

Q. Were you one of the victims of the "tunnel massacre" that occurred near Sunchon?
A. Yes, sir, I was.

Q. Will you relate what happened?
A. Well, they told us all to fall on out of this train. This was on 20 October, 1950, and the train of which I was in pulled into this tunnel. We were kept there during the day-time, and along about 6 o'clock that evening, they put us out in groups of thirty and said that we was going to a Korean house for our supper and that the house was small and only a few men could go at a time. They took us up on a little ravine where there were some bushes, and they told us to sit down, and they would bring our chow to us. After we sat down, they passed the bowls around, and they started shooting then. We didn't know what was going on right away, so finally the men started falling down, and I hit the dirt, and I just played dead then. They shot me in the arm, and I still laid there. After they got about everybody, they came around and started pounding on our backs with a rifle to see if they were dead, and when they pounded me on the back, I didn't move. One of the Koreans hollered, "*pari pari*", which means to hurry up, and then they took off and never came back there. I laid there and listened to burp guns going off after that and a few rifle shots. I think they were shooting the other bunches. I laid there all that night—until it got dark—and there were eight of us that was left in that bunch—that was left alive. Then, there was four men that got up and moved during the night. There was one more man that died during the night, so that left three of us. Two of them had bad wounds in the leg. They moved away before it got dark. There were some civilians that carried them across the tracks. Well, we stayed there all the next day in the bushes, and along about

evening again, we heard these voices. They were South Korean voices, hollering, "GI's come out; you are okay." I got up and looked around, and I seen a helmet, and I still thought that it was a trick. I stayed there, and pretty soon I seen these two news photographers come out, and I seen that they were Americans, so I came out. The newspaper photographers took over from there.

Q. What group were you in that came out of the tunnel with you—in the first, second or third group?

A. The first group.

Q. Who ordered you to fall out from the tunnel?

A. I don't know. I think they were North Koreans.

Q. Were they military personnel or civilian North Koreans?

A. I don't know.

Q. Who seemed to be in charge among the North Koreans? Who gave the orders? Who seemed to exercise the orders?

A. They—I believe the South Koreans were in charge of us.

Q. These South Koreans that turned over and went along with the North Koreans—that turned Communist?

A. Yes, sir.

Q. Was it one of them that told you men to fall out?

A. He was the only one that I knew of giving orders there. He spoke a little English, and he told us to fall out there.

Q. Can you describe this man? How old was he?

A. I couldn't judge their ages.

Q. About how tall was he?

A. About five foot six.

Q. What would he weigh?

A. He was a pretty chunky man. I guess he would weigh about 160 pounds or 150 pounds.

Q. Was he in uniform?

A. He had part of a one on.

Q. Did he have any insignia of rank on his uniform?

A. He didn't have any rank on.

Q. Did you know him by any name?

A. No, I didn't.

Q. Did you have a nickname for him?

A. No, sir.

Q. Did he wear glasses?

A. No.

Q. Did he have a moustache?

A. No.

Q. Did he have any scars or moles on him?

A. Not that I know of.

Q. Did he have any buck teeth or gold-filled teeth that you noticed?

A. No, sir.

Q. You said that he spoke English. Is that correct?

A. He spoke pretty good English—correction, he spoke very little English.

Q. After you left the tunnel and got outside, how long was it before the firing commenced?

A. It was just after they got us into that ditch off the side of the tracks and told us to sit down, and they got our bowls, and after we got situated there, they started shooting around right away.

Q. About how far were they from you?

A. About two yards away.

Q. How many of the men were firing?

A. I would say from eight to ten men.

Q. What type of weapons were they using?

A. Regular rifles—Korean rifles.

Q. Were any burp guns used ?

A. There was a burp gun used once. I heard one burp gun shot out there.

Q. The rest of the firing was done by rifles ?

A. Yes, sir.

Q. Was any order given to fire by anyone ?

A. I didn't hear any such order.

Q. Who was in charge of the men who did the firing ?

A. I don't know.

Q. Can you identify any of them who did the firing ?

A. Yes, sir, I can.

Q. Will you identify them, please.

A. I could identify them if I saw them.

Q. If you had photographs in front of us, you could probably identify them? Can you describe them as to their age, weight, height and type of uniform, et cetera? Was there anything unusual about any one of them that would make them stand out above the average Korean?

A. Not that I can remember.

Q. What is the condition of your injuries now ?

A. Well, they just took X-rays of it today. They took X-rays of them before and left them at the hospital. The doctor said that he would look at them today.

Q. Do you have anything further to add ?

A. No.

A. (Continuing.) On this tunnel incident, there was—I am not sure—I think there was some North Korean soldiers inside the tunnel, and they might have done some shooting at the other groups with burp guns after they shot our group. I heard a lot of burp guns going off.

Q. So far as you know, this South Korean who turned Communist appeared to be in charge of the prisoners of war. Is that correct ?

A. Yes, sir, that is correct.

Q. Do you have anything further to add ?

A. No, sir.

(Signed) Valdor W. JOHN

With the Army of the Occupation
at Zama, Honshu (Japan)

On this 28th day of October, 1950, personally appeared before me Private First Class Valdor W. John, who is personally known to me, and who in my presence affixed his signature as appears above, and who at the same time stated that he had read the within and foregoing questions and answers, understood the contents therein contained, and that the same were true.

(Signed) Arthur L. WILKINS,
Major, USA

A commissioned officer in the
United States Army and duly
authorized to perform notarial
acts per AW 114. Adjutant.

Statement of Private First Class Allen J. Gifford

City of Zama,
Kanagawa Prefecture,
Honshu (Japan).

Private First Class Allen J. Gifford, being first duly sworn, testified as follows :

Q. What's your name ?

A. Gifford, Allen J., PFC, 13282225.

Q. What was the name of your organization ?

A. 24th Division, 19th Regiment.

Q. What company ?

A. Medical Company assigned to "H" Company as aid man.

Q. And when were you captured ?

A. 26th day of July.

Q. Where ?

A. Yongdong.

Q. And how long did you stay at Yongdong ?

A. Two days.

Q. And then went towards Taejon ?

A. Working up that way.

Q. Were you alone when captured ?

A. No, sir, with a major and corporal

Q. What was the major's name ?

A. Major

Q. Were you wounded at the time ?

A. No, sir.

Q. Was the major wounded ?

A. Exhausted was all, sir.

Q. What outfit was Major ... with ?

A. 7th Division assigned to the 34th Regiment.

Q. Well where was it that you three joined other prisoners ?

A. We met others. We met two more at Yongdong at the school house, Sergeant ... and PFC We stayed there for two days. Then we headed for Taejon.

Q. The five of you ?

A. The five of us.

Q. Were you escorted by a guard ?

A. Yes, we were escorted up there with about three guards.

Q. The five of you with three guards ?

A. Yes.

Q. Where—towards Taejon ?

A. Headed that way but we stopped about four or five places and when we got to Taejon we had twenty, I believe.

Q. And at Taejon did you join a larger group ?

A. Yes, sir ; eighty-six.

Q. With your group ?

A. No, sir, without us.

Q. Were you treated in any way ?

A. Yes, sir, up to their standards.

Q. Were you fed ?

A. Yes, sir, but naturally the food didn't agree with some of us. It was mostly rice. Of course, they did help the wounded and sick out on the food situation, because we were getting rice balls, which we couldn't stomach, and the other guys were getting soup. We were getting hot sauce, which some couldn't take.

Q. Was anyone getting beaten ?

A. No, sir, it seemed most of the ill treatment was in going from Seoul to Pyongyang.

Q. Well you say the trip from Taejon to Seoul was rough ?

A. Yes.

Q. You marched it ?

A. Yes.

Q. Did you lose any men on the way ?

A. Yes, sir, I think we did. We lost a few men. How many, I don't know. Names, I don't know.

Q. Any shot in your presence ?

A. No.

Q. Did you see any men beaten by the guards ?

A. The men were pushed around, yes. As far as the guards shooting, I didn't see that myself, but we were pushed around.

Q. How long did you stay in Seoul ?

A. Twenty-two days, sir.

Q. In Seoul you stayed at a school-house ?
 A. Yes, sir.

Q. Was there anybody that seemed to be in charge ?
 A. Yes, sir, Mr. Kim.

Q. Can you describe him ?
 A. Well, he was about five foot nine ; fat face, brown eyes—I think he had brown eyes. He's got the Communist look in his face, and naturally black hair.

Q. Any distinguishing features about his faces—glasses ?
 A. Yes, he wore glasses.

Q. Moustache ?
 A. No moustache—although he had one for a while and shaved it off. Just a thin moustache. But as far as scars, I don't think he had any scars.

Q. What did you see him doing that was out of the way ?
 A. Well, sir, he did a lot of cursing. He knew the language.

Q. Outside of that, did you see him beat anybody ?
 A. Slapping guys in the face and hitting them in the back. That's bad enough. I actually seen that myself.

Q. Were you present when he put a lit cigarette in a sergeant's eye ?
 A. No, sir, I didn't see that, sir.

Q. Well, was there anybody else who seemed to be in charge around there other than him ?
 A. He was mainly the only one of the Koreans that was in charge at that place.

Q. No guards ?
 A. Oh, yes, we had guards. We got so that the Major said we would show great Army military way of bringing the group to attention when the North Korean soldiers came into the room to make it look good on the American side. That's what we did. We were seated in the room and the North Koreans and Russians would come in and—

Q. Did you see Russians there ?
 A. I don't know about soldiers, but there were civilians taking pictures. They didn't ask you to pose or anything for them, but they took pictures and seemed to want to put your hand out to them, but we didn't.

Q. What do you mean "put your hand out" ?
 A. Well I mean shake hands with them and things like that. They seemed to want you to walk over and shake hands, but we didn't do it. They usually came out and shook your hand.

Q. Well, now then, you left Seoul twenty-two days later, approximately ?
 A. Yes, sir.

Q. And how did you do that—on foot ?
 A. Yes, sir.

Q. How many were in the group ?
 A. We left Seoul with 386, I believe it was.

Q. How many reached Pyongyang ?
 A. Two hundred and forty-three, I think.

Q. Did you see anything out of the way on that march ?
 A. Well, sir, we did a lot of stealing on the way and guys got shoved around.

Q. From fields, you mean ?
 A. Yes, sir. We had to do that to fill our stomachs up. As for myself, I did a lot of stealing myself.

Q. Well did you see men beaten by guards on the way ?
 A. Yes.

Q. Did you see anybody shot by guards ?
 A. Yes.

Q. Do you know the names of anybody ?
 A. I don't know the names but there was a guard—they usually had the sick to the rear since they were lagging

back, and we were climbing a mountain and curving in and out like that and this one guy couldn't make it and we told him to come on. The guys that were feeling fairly well were trying to help them along and the guards thought they had enough strength to pull our men along, too, but we tried and the guys that were falling out with exhaustion, and I personally seen one guard shoot one GI and it turned my stomach inside out.

Q. Can you describe that guard ?
 A. Well, he looked similar to an ape to me. He was sort of filled out in here ; big buck teeth.

Q. Gold in his teeth ?
 A. No, but he had ugly teeth, sort of ; cheek bones were filled out.

Q. Any marks ?
 A. I think he had a little scar on his right upper cheek and his eyes were sort of squinty and I would say he was about five foot nine ; about that.

Q. What was his rank ; do you know ?
 A. I don't know, sir, the ranks.

Q. Was it an officer ?
 A. No, it wasn't an officer.

Q. Was there any officer in charge there ?
 A. Yes, sir, there was an officer. I don't know his name but he was one of these kind of guys that didn't care much for any of us. He was a little short guy.

Q. How many stars on his shoulder ?
 A. One. One star.

Q. Anything else you can say about him ?
 A. He was a fairly good-looking fellow for a Korean and carried sort of a grin now and then. No scars.

Q. Is that the only one you can remember on that trip ?
 A. That's the only one, sir.

Q. Was Kim on that trip ?
 A. Yes, sir, for a while, sir—until the guys got falling out so bad and they were putting them on ox-carts and he stayed with tem. Now those guys on the ox-carts, when we got to Pyongyang there was twenty-five that came in. We left forty-five behind and twenty-five arrived.

Q. Do you think Kim would know the officers in charge of that detail ?
 A. Well, certainly.

Q. You got to Pyongyang how many days after leaving Seoul ?
 A. Four days.

Q. Four days from Seoul to Pyongyang ?
 A. No. We left Seoul and I don't know how many days it took. I would say fifteen days.

Q. How long were you at Pyongyang ?
 A. Four days, sir.

Q. And were any of the officers with you ?
 A. Major ... was still with us and Lieutenant ... and Lieutenant

Q. Lieutenant ... ?
 A. No, sir, I don't remember him. Lieutenant ... died on the way to Pyongyang. There was two guys that claimed they couldn't walk and fell out and got down beyond the ditch and they had told the platoon leaders if anybody was missing in the platoon at roll call they would answer for it. And Sergeant ... (phonetic) was in charge of us and one guy hollered up and he says, "Sergeant ..., there is two guys that left your group and have taken off", and he went back and told the Korean guard and the Korean guard found them in the ditch, and he halted the whole bunch of us and made us look his way and they took a beating from guns in the back by the Korean guard. And he sent them up in our

group and sent the guard for them again and takes them back where they were and was going to shoot this one kid, one at a time. And this one kid said, "Go ahead, shoot me, pull the trigger", and he was about to and ... went back and told him not to shoot them and they didn't shoot them but they were mighty mad about it.

Q. You can't describe these guards?

A. Sir, they all looked alike to me and it is very hard.

Q. We are interested mainly in identifying the perpetrators of these outrages. Now you were at Pyongyang four days?

A. Yes, sir.

Q. And you left in a group to the railroad station?

A. Yes, sir, about a mile and a half to the railroad station.

Q. And did you stay on until you got to the tunnel?

A. Yes.

Q. What happened?

A. At the end we pulled into a tunnel, not knowing what was going to happen.

Q. Did you see Major ... that day?

A. Yes, sir, I saw him leave the train with a guy named ... and a guy named

Q. That's all that was in the group?

A. Yes.

Q. Which way did they go?

A. Back south, back trailed, and where they went I don't know. They were with a guard named Johnny, a South Korean.

Q. Did Johnny come back?

A. No. I didn't see Major ... or any of them. They left about one o'clock in the afternoon and were going to go get chow and we figured chow was already there and Major ... and these guys had come back, but we didn't get any chow and they told us about 4 o'clock to fall out with our bowls.

Q. Did they group you?

A. Yes, sir, about thirty to a group. I was with the first group of thirty that took off from the train and we lined up in the tunnel.

Q. In the same direction that Major ... went?

A. Yes, sir. And as we walked fifty yards we turned left and walked in a trench about thirty yards, if it was that, and they told us to sit down and we started to sit down. And I was about the next to the last in sitting down and just as I sat down I turned and looked up at this guard and he put a full clip of ammunition in his gun and there was one coloured guy and Sergeant ... (phonetic) and Sergeant ... and they got up and I was looking at this guard putting a full clip of ammunition in his rifle and Sergeant ... said "They are shooting at us" and they started running and I jumped down between a bunch of other GI's and I got hit three times by rifles, not by burp guns, but where the burp guns were was down by the railroad tracks. I was pretty well covered with other GI's. ... was next to me and they got ... in the muscle part of the arm and I got hit in the wrist and slightly wounded in the shoulder and head. They stood there about ten minutes, then they paused. Then they came around and whacked us in the back with the butt of a rifle. Just before they came to me they hit one guy and he moaned and moved, I guess. He didn't groan any more. Then they came to me and hit me and I was dead, didn't move. Then they hit ... and he didn't move. They walked around past us. And the rest were already dead, I guess, except for one guy and he was groaning.

Q. After they left, what did you do?

A. I went around to see what I could do for the boys.

Q. How many were still around?

A. Alive?

Q. Yes.

A. I counted about seven or eight.

Q. Could that seven move?

A. No.

Q. How many could get around?

A. I would say about five.

Q. Did five of you leave?

A. Four of us left in a group. Three and myself left and went about 300 yards up in the trench under briars and everything else. And this one kid was crawling and couldn't keep up with us and told us to go on and we took off, and whether he made it I don't know. He was wounded in the leg. And the four of us took off up in the trench and we laid there and tried to sleep and we were cold and hungry and we put that coat around us and we were a little warmer than the others because they didn't have anything at all. And morning came around and I heard voices and I ducked down and got up again and a brief case came down on my head—not knowing where it came from—but it was a Korean and his daughter, civilians, walked right on by this trench. They were talking and whether they saw me or not I don't know. But this brief case had a little map inside of it. Now whether this map was meant for me to go to a certain place or not, I don't know. I should have kept it but I just threw it away just in case I got caught or something like that by the Koreans, so it would be out of my hands. But anyway, we took off about ten yards into this sugar-cane field. We got in it—after crawling about ten yards, we got in about five or six yards and were going to get in the middle and settle down. We didn't make it because two North Koreans, they were officers, were coming down the side of the ditch about ten or fifteen yards away from us and we saw them coming at us and they were talking and laughing and we just laid down and started praying, the four of us, without making a sound. I didn't look up or do anything because my back was facing them, but they didn't see us.

Q. How long was it before you ran into friendly troops?

A. Well after we got up in the mountains about 8 o'clock we sat there until about 3.15 and met our own troops.

Q. From the time you left Pyongyang until this incident happened, is there anybody that you could identify as being in charge there of that group that left Pyongyang?

A. Sir, face to face I could identify them.

Q. Otherwise no?

A. That's right.

Q. Suppose in the future sometime we are able to locate some of these people that the different PW's like yourself have been telling us about, or maybe through Mr. Kim, if we are able to get him, would you be able or willing to be sent back to Korea on TDY for the purpose of establishing the identify of some of these men?

A. I certainly would.

Q. What did you do before you were in the service?

A. Worked in a factory molding pipes and stuff like that.

Q. What is your home address?

A. Pemberton, New Jersey.

Q. Who do you live there with?

A. Mother and father; Mr. and Mrs. Daniel Gifford.

Q. Do you know how much you weighed when captured?

A. Before I went to Korea I weighed 179.

Q. How much do you weigh or how much did you weigh when you met our troops after Pyongyang?

A. One hundred and twenty pounds.

(Signed) Allen J. GIFFORD

With the Army of the Occupation,
at Zama, Honshu (Japan).

On this 30th day of October, 1950, personally appeared before me Private First Class Allen J. Gifford, who is personally known to me, and who in my presence affixed his signature as appears above, and who at the same time stated that he had read the within and foregoing affidavit, understood the contents therein contained, and that the same were true.

(Signed) Arthur L. WILKINS,
Major, USA

A commissioned officer in the United States Army and duly authorized to perform notarial acts per AW 114. Adjutant.

9. KOREAN WAR CRIMES CASE No. 639

Date: 23 April 1951.

Place: Wach'on—1 kilometre north-west (CT 258068) of Wach'on.

Victims: Three British soldiers and five Belgian soldiers.

Suspects: Unidentified Chinese of the 187th Division, 63rd Army, 19th Chinese Army Group.

On 23 April 1951 the UN Belgian Battalion requested aid from "S" Company, 1st Battalion, Royal Ulster Rifles. A Battle Patrol was immediately despatched but was attacked by enemy forces after going for approximately 100 yards across the Imjin River. The group attempted to withdraw, leaving ten men to cover the retreat. The men found themselves entirely surrounded and decided to surrender.

The prisoners were assembled on a hillside with three or four Belgians near the junction of the Hant'Gang and Imjin Rivers, one kilometre north-west (CT 258068) of Wach'on. They were given some food and had not been mistreated at all until a flight of American fighter planes began dropping napalm bombs. The Chinese became frightened and one or more of them started firing at the British and Belgian soldiers. Three men, Rifleman Richard J. Geach, Lieutenant Thomas H. R. Craig, and a Belgian soldier, effected an escape, although the Belgian soldier drowned while attempting to swim across the Imjin River.

On 31 May 1951, Ivan M. Roggen, *Auditeur Militaire*, Belgian UN Forces, discovered the bodies of three British soldiers and five Belgian soldiers. Although the bodies were partly decomposed, it was possible to recognize their features. Roggen states that all of the bodies were in a group and it was evident that they had suddenly been shot down. Two of the British had been shot in the back of the head, one Belgian had been shot or bayoneted in the back, and all of the bodies indicated that death was caused by small-arms fire. Near the bodies several papers addressed to Lieutenant Craig were discovered. Roggen further states that the surrounding area showed signs that napalm had been used.

The victims have been identified as Lieutenant ..., Royal Engineers, Premier Sergeant ..., Private ..., Private ..., Private ... all from the Belgian UN Forces—and two of the following: Rifleman ..., Rifleman ..., and Rifleman ...—all from the Royal Ulsters.
6 March 1952: on record as case,
31 October 1952: closed.
March 1953.

Report

Headquarters, Korean Communications Zone
Office of the Zone Staff Judge Advocate
War Crimes Division, APO 234.

12 October 1952

Subject: Synopsis of Korean War Crimes case No. 639.
Date: 23 April 1951.

Place: Junction of Hant' Gang and Imjin River (Coordinates 258068, MR sheet 6627 IV, Pochon, Korea).

Initial source of information: Statement of survivors.

Victims: 1 British officer, dead; 2 British soldiers, dead; 6 Belgian soldiers, dead; 2 British soldiers, status unknown.

Survivors: 1 British officer; 1 British soldier.

Bodies recovered: 8.

Suspects in prisoner-of-war status: Unknown.

Witnesses in prisoner-of-war status: Unknown.

Implicated—not in prisoner-of-war status or custody: Unknown members of 187th Division, 63rd Army, 19th Chinese Army Group.

1. Local situation: On 23 April 1951, a battle patrol of "S" Company, 1st Battalion, Royal Ulster Rifles, at the request of the Belgian UN Battalion, attempted to render assistance to the Belgian Battalion in the vicinity of the junction of the Hant' Gang and Imjin Rivers (Coordinates 258068 MR Sheet 6627 IV, Pochon, Korea).

2. Seven members of a battle patrol and six members of the Belgian UN Forces were captured by the enemy, believed to be personnel of the 187th Division, 63rd Army, 19th Chinese Army Group. Approximately three hours after capture, American planes commenced napalming their location. As a result of the napalming, one of the Chinese soldiers became frightened and began firing his burp gun into the group of prisoners. All prisoners had been disarmed and no one had made an attempt to escape. During the confusion that followed, one British officer, one British soldier and a Belgian soldier escaped their captors. However, the Belgian soldier drowned in a river in the attempt to reach UN lines.

On 31 May 1951, the bodies of one British officer, two British soldiers, and five Belgian soldiers were recovered. Two of the British had been shot in the back of the head; one Belgian had been shot or bayoneted in the back. All bodies indicated that they had been killed by small-arms fire.

3. Investigation reveals that the identity or whereabouts of the perpetrators is unknown and, under the circumstances, in all probability never will be established.

4. Accordingly, it is recommended that this case be closed.

1. Exhibit "A": statement of survivor.
2. Exhibit "B": statement of survivor.
3. Exhibit "C": statement of witness.

(Signed) Richard F. SEIBERT,
Captain, JACC
Case Analysis Officer

(Signed) Jack R. TODD,
Major, JACC
Chief, War Crimes Division

Closed: 12 October 1952

Memorandum

Headquarters, I Corps
Office of the Corps Staff Judge Advocate
APO 358

29 August 1951

CICJA

Subject: Investigation of war crime

To: Chief, War Crimes Division, Headquarters, 8th
United States Army, Korea (EUSAK) (REAR), APO 301.

1. The war crime covered by this investigation is described as follows:

(a) On 23 April 1951 personnel from the 29th British Brigade and personnel from the Belgian UN Forces in Korea were captured by the Chinese. The prisoners were assembled on a hill-side near the junction of the Hant'Gang and Imjin Rivers (coordinates 258068 MR sheet 6627 IV). During an air attack by USAF planes, some three hours after the capture of the afore-mentioned personnel, one or more of the Chinese captors fired upon the prisoners, killing eight.

(b) Upon discovery, some six weeks later, the bodies were partly decomposed, but features were recognizable. Two of the British soldiers had been shot in the back of the head and one Belgian soldier had been shot or bayoneted in the back. All had been shot by small-arms fire. When discovered all of the bodies were in a small group. A short distance away was the body of a Chinese soldier. Also discovered in the immediate area were personal papers addressed to Lieutenant Hedley Craig.

2. Attached are statements of the following witnesses:

Name	Exhibit identification	Address
Rifleman Richard J. Geach	Ex. No. 1	"C" Company, 1st Battalion, Royal Ulster Rifles
Ivan M. Roggen, Auditeur Militaire	Ex. No. 2	Belgian UN Forces
Captain Hedley Craig	Ex. No. 3	Royal Ulster Rifles Battle Training School, Kure, Japan

3. Also attached are the following documents and maps not made a part of the statements described in the preceding paragraph. The exhibits are listed and described as follows:

Description	Exhibit number
Map—MR sheet 6627 IV	4

4. Most of the evidence as to whether the captors were North Koreans or Chinese is circumstantial. However, from the Order of Battle and testimony of the witnesses the conclusion that the victims were shot by the Chinese while they were prisoners of the Chinese is believed sound.

5. Location of accused, if in custody: None.

6. Names of suspected individuals and organizations: 187th Division, 63rd Army, 19th Chinese Army Group.

7. Possible witnesses:

Name	Address
Rifleman Richard J. Geach	"C" Company, 1st Battalion, Royal Ulster Rifles
Ivan M. Roggen, Auditeur Militaire	Belgian UN Forces, Korea
Captain Hedley Craig	"A" Echelon, 1st Battalion, Royal Ulster Rifles

8. Names of Victims:

Lieutenant ..., Royal Engineers
Premier Sergeant ..., Belgian UN Forces
Private ..., Belgian UN Forces

Private ..., Belgian UN Forces
Private ..., Belgian UN Forces
Private ..., Belgian UN Forces (see document C-2)

and two of the following:

Rifleman ..., Royal Ulsters
Rifleman ..., Royal Ulsters
Rifleman ..., Royal Ulsters

(Signed) Dean R. DORT,

Major, JAGC

Assistant Corps Staff Judge Advocate

Statement

Country of Korea, Tokchong,
"A" Echelon, 1st Battalion, RUR

I, Thomas Hedley Russel Craig, Lieutenant, 364302, Royal Ulster Rifles, a citizen of Great Britain, permanently domiciled at 43 Leeson Park, Dublin, Eire, having been first duly sworn, voluntarily, without threat or fear, or hope or offer of reward, depose and state:

At approximately 0630 hours on 23 April 1951, I, together with eight rifleman and an RAMC corporal, were concealed behind the enemy forward position on the south bank of the River Imjin. We were attempting to make our way back to our own lines, having been ambushed by the enemy north of the river at 0110 hours that morning.

The enemy having spotted us and mortared our location, I told the men to scatter to the cover of a near-by gully. The five of us reached the gully, to which the enemy switched the mortar fire, whilst their soldiers moved down and captured us.

We were taken to a near-by hill and held prisoner there. Some hours later five Belgians, two more British soldiers and a British RE officer were brought in. We were held here until approximately 1600 hours 23 April. At this time American jets attacked the hill with napalm. This landed about thirty to fifty yards from our party, who, together with our four guards, commenced to move away from the blaze. Our party had been completely disarmed and made absolutely no attempt to escape at that or on any other previous occasion. The enemy, seeing us move, fired on us and the prisoners went straight down to earth. I had not moved from my original position with the others since I had removed my boot to attend to a poisoned foot. When the fire started I took cover in a near-by bush with some Chinese soldiers. I lay there and saw two of the enemy come round the sides of the party and fire bursts into them from close range. One British soldier, Rifleman ..., raised his hands and stood up but was not spared. When the first burst of fire came, Rifleman Geach and a Belgian soldier made a break, and seemed to get clear. After the enemy had finished shooting, they looked down the slope but did not see me. I waited until they had gone and then moved quietly away from the bush and two Chinese with whom I had been sharing it. They for some peculiar reason made no effort to stop me. They seemed fearful of the air attack and also, I think, the small-arms fire. I reached Rifleman Geach and the Belgian soldier and crossed the Imjin River without trouble, having seen some American tanks fairly close, which we were trying to reach. Unfortunately, to reach them we had to again cross the river since it looped. The enemy fired a few mortar bombs in our direction which fell short. We moved well up-stream and attempted to ford the river. Before we entered the water, the Belgian told me he was wounded, but apparently only slightly. We took him between us into the water, and about fifteen yards out he said he wished to go back and could not swim. The water was up to our armpits, but near-by there was a

rocky ledge which seemed to go well over towards the other side. I told Geach to stay with the Belgian and proceeded along the ledge to see if the way was fordable. I was some two thirds of the way out, when Geach yelled to me for help. I turned round, told him to strike for the near shore. The Belgian at this time was thrashing a little farther down-stream. At this moment the current took me down-stream and I finally reached the opposite bank to find that Geach had reached the bank, but there was no sign of the Belgian. I then went to the American tanks for help to get Geach across. They said they would arrange for the Belgians to bring him out as they retreated. However, shortly, Geach reached us, having managed to re-cross the stream.

The British prisoners with me on the hill were ... RE, Rifleman ... and Geach.

I could not identify the enemy as either Chinese or Korean. They treated us well until the hill was napalmed.

As far as I know the only survivors of the incident are Rifleman Geach and myself.

I further state that the foregoing statement, consisting of five pages, is true to the best of my knowledge and belief.

Tokchon, 23 August 1951

(Signed) H. CRAIG, Lieutenant
1st Battalion,
The Royal Ulster Rifles

A true copy :

(Signed) Dean R. DORT, Major, JAGC
Assistant Corps Staff Judge Advocate

Statement

Country of Korea, "C" Company,
1st Battalion, Royal Ulster Rifles
30 June 1951

I, Richard John Geach, Rifleman, 22378771, "C" Company, 1st Battalion, Royal Ulster Rifles, a citizen of Great Britain, permanently domiciled at Marguerite, Pleasure Hill, Pomphlett, Devon, England, having been first duly sworn, voluntarily, without threat or fear, or hope or offer of reward, depose and state :

On or about 0030 hours, 23 April 1951, I was a member of a unit of the Battle Patrol of "S" Company, 1st Battalion, Royal Ulster Rifles, which went out to aid the Belgian Battalion which had requested aid. We got about 100 yards on the other side of the Imjin River when we were attacked by the enemy. We decided to withdraw and I was [in] a party of about ten covering the retreat of the others. Captain Hedley Craig was in charge. We retreated across the river and reached a point about one mile south of the river when we realized we were completely surrounded. We could tell because of the blowing of bugles, et cetera. It was about 1230 hours, 23 April 1951, when I became separated from the others. I realized my situation was hopeless, so I gave myself up to a Chinese soldier, who took me back toward the river about three or four hundred yards. When we arrived at this point, Captain Craig, Rifleman ... of the Battle Patrol, Rifleman ... of the Battle Patrol, Rifleman ... of the Battle Patrol and one other that I didn't know were already there. There were also three or four Belgian soldiers and one Royal Engineer officer. We were there for about three hours. They fed us some food, a brownish powder. About 1530 hours some American Sabre jets flew over and started napalming us. The Chinese became frightened and one of the Chinese started firing his burp gun into our group. I don't know if he hit any of us, as when he started firing I escaped

down the hill. As I was running I fell and one of the Belgian soldiers caught up with me. He and I made our way toward the river. The Belgian soldier showed me where a Chinese soldier had bayoneted him in the side. It was just a slight wound. Just before we got to the river Captain Craig joined us and the three of us made our way to the Imjin River. We crossed the river and made our way up-stream for about 400 yards and then attempted to cross again. Captain Craig made it across but when the Belgian and I attempted it, we couldn't make it as the Belgian soldier couldn't swim. I tried to help him but he drowned. I then went down the river, crossed over and made my way to our lines.

While I was held prisoner by the Chinese they, except for the shooting, treated us very well. I am not sure that they were Chinese. I have been told since that time that they were Chinese. At the time I thought they were North Koreans, because they were so young. I didn't notice any rank insignia. I don't know if any of them were officers. All but one were dressed in a brown quilted uniform. One was dressed like a civilian. I only saw the one enemy soldier fire. He seemed to be the leader. He was older than the rest.

I further state that I have had read to me and I understand the foregoing statement made by me, consisting of four pages ; that there are no mistakes therein ; and that the same is true to the best of my knowledge and belief.

(Signed) R. GEACH

Subscribed and sworn to before me, the undersigned authority, on this 30th day of June, 1951.

(Signed) Dean R. DORT,
Major, JAGC
158280, I Corps, APO 358

A true copy :

(Signed) Dean R. DORT,
Major, JAGC
Assistant Corps Staff Judge Advocate

Statement

Country of Korea
Headquarters, Belgian UN Forces in Korea.
30 June 1951

I, Ivan M. Roggen, *Auditeur Militaire*, Belgian UN Forces in Korea ; a citizen of Belgium ; permanent resident of 87 Avenue Jupiter Forest, Brussels, Belgium ; having been duly sworn, voluntarily, without fear or hope or offer of reward, depose and state :

On 31 May 1951 I went to a point where the Hant'Gang joins the Imjin River (coordinates 258068 MR sheet 6627 IV Pochon, Korea). I was there with the chaplain of the Belgian corps and other ranks. We went there because Captain Craig of the Royal Ulsters told us that at this place Chinese soldiers shot down, on 23 April 1951, British and Belgian soldiers who had been prisoners of the Chinese. At this point not far from the ridge of the hill, perhaps fifteen yards on the south approach of the hill, we found three British soldiers and five Belgian soldiers. There was also one enemy soldier dressed in a typical Chinese uniform, but I am not sure whether he was Chinese or North Korean. The bodies of the soldiers were partly decomposed. However, it was possible to recognize their features. All the bodies were in a group. It is evident that they had suddenly been shot down. Two of the British had been shot in the back of the head ; one Belgian had been shot or bayoneted in the back ; all of the bodies indicated that the soldiers had been killed by small-arms fire. Near the bodies I discovered several papers addressed to then Lieutenant Craig. The surroundings also indicated that the area had been

napalmed. The two British bodies were next to each other and the hand of one was clasped in the hand of the other: The following are the names of the Belgian soldiers recovered: Premier Sergeant ..., Private ..., Private ..., Private ..., Private One of the bodies was a British officer. I know this because another British officer told me that he went there and buried the officer who was a friend of his. The British officer was of the Royal Engineers (Major Young of the Royal Engineers, 29th British Independent Infantry Brigade). Major Young is the officer that informed me that he had buried his dead friend. There was no evidence that the soldiers' hands had been tied behind their backs or that they had otherwise been mistreated. It is my opinion that they had been shot suddenly in a group.

I further state that I have had read to me and that I understand the foregoing statement made by me, consisting of one page; that there are no mistakes therein; and that the same is true to the best of knowledge and belief;

(Signed) Ivan M. ROGGEN

Subscribed and sworn before me, the undersigned, on this 30th day of June, 1951.

(Signed) Dean R. DORT,
Major, JAGC
I Corps

A true copy:

(Signed) Dean R. DORT,
Major, JAGC

Assistant Corps Staff Judge Advocate

PART II

1. SWORN STATEMENT OF SERGEANT BOBBIE P. STRINGER

I, Bobbie P. Stringer, RA 19338862, Sergeant, having been advised of my right under Article 31, Uniform Code of Military Justice, by Thomas J. Naughton, Captain, 0-2009297, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

I was captured on 5 November 1950. On 8 November 1950 myself together with approximately 200 American POW's were marching to Camp No. 5. During the march I saw an unidentified American POW, who had fallen by the wayside, beaten to death by a CCF guard. The POW's head was completely crushed by the guard's rifle butt, and I feel sure he was dead.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of two pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Bobbie P. STRINGER

Sworn and subscribed to before me, this 11th day of August, at APO 100.

(Signed) John M. MCKEAN
Lieutenant Colonel, Infantry
Summary Court

2. SWORN STATEMENT OF SERGEANT JOHN R. WORLEY

I, John R. Worley, RA 18342306, Sergeant, having been advised of my right under Article 31, Uniform Code of Military Justice, by Captain W. P. Alley, make the fol-

lowing statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

Captured 30 November 1950 near Kunu. Chinese walked PW's in circles at night and then for twenty-five mile hike to rear. This happened every night until we reached hospital area on Christmas night. At hospital area I saw over 200 men die. They had no food and were lice-infected. I also saw men die on the march from exhaustion and hunger. Sometimes we would not eat for two or three days. I left hospital area on approximately 7 February. We started walking towards Puckdong. Some men were put on ox-carts and the rest on foot. There were about 150 men in the group I was in. When we got to Puckdong, there was no food in camp. Men were dying by the hundreds. While in camp at Puckdong about 1,700 men died, both American, Turkish, and other PW's. The majority of men who died were Americans. I watched two Chinese nurses giving shots to men. They did not know how to give shots. Some men died immediately after receiving shots. None of them lived for more than twenty-four hours after receiving the shots. I showed the nurse how to give shots and took one myself. It did not harm me.

The Chinese instructor named "King"—I don't believe it was his correct name—was forcing men to go to lectures. He threatened men who did not want to go. He would pull men out and force them to go. A man named ... an airman, escaped. After he was caught, he would not talk about things he was asked about. He was beat to death by several Chinese with sticks, belts and clubs. A man named ... was tied and beaten by several Chinese. Men from the squad had to bring him in. This happened around the last of March or first of April, 1951.

Men were still dying but at a slower pace. We were fed when we would attend lectures. Food was so bad and there was so little that men were eating grass and bark off of trees. This went on until Christmas 1951.

We had an influenza epidemic from January until February 1952. There was very little medicine and never enough medicine.

Men would not write home because they would not write against their government on envelopes the Chinese gave them.

All races were segregated and the Chinese started beating men for no reason.

(Signed) Sergeant John R. WORLEY

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of five pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Sergeant John R. WORLEY

Sworn and subscribed to before me, this 11th day of August, 1953, at Inchon, Korea.

(Signed) Channing T. HADLEY, Captain
0962816, Sig. "C"
Summary Court

We hereby certify that we were present at Inchon, Korea, when Sergeant John R. Worley made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward

was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said Sergeant John R. Worley signed the above statement in our presence.

Witnessed:

(Signed) William P. ALLEY

(Signed) George M. MOORE

3. SWORN STATEMENT OF CORPORAL BERNARD NMI BULI

I, Bernard Nmi Buli, RA 13334990, Corporal, having been advised of my right under Article 31, Uniform Code of Military Justice, by Edward L. Seagraves, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

On 1 January 1951, I was escorted by a Chinese guard and an English-speaking Chinese political instructor called Loe to the 3rd Company Headquarters, Camp No. 5, located at Pyuck-dong, North Korea. After arrival at the Company Headquarters I was accused of organizing an organization called KTC (Kill the Communists, referring to the progressive students of the Company). I denied this and was taken to the rear of Headquarters for interrogation. In an effort to force me to confess to the accusation an instructor, Sin, poured cold water over my head, which immediately froze.

After the interrogation, which lasted about two hours, I was taken to the top of a hill in the rear of the Headquarters building, by instructors Sin and Loe and the mess officer, Jo. There I was informed that this was the last chance to confess. When I refused to confess I was beat on the head, back and legs by Sin, Loe, Jo. Sin beat me with corn stalks, Loe with his hands and Jo with his fist. After this I was taken to the "ice box", so called because there was a large Korean cooking pot filled with solid ice in the room and no heat was ever brought in. I remained in the "ice box" from 1 January 1951 to the night of 11 January 1951, at which time I was released and no further punishment was given.

On 27 August 1952, I voluntarily went to Headquarters, 3rd Company, and confessed to taking a sack of potatoes—at which time instructors Chang and Dong and Jo, the mess officer, took me to the same area and beat me as before. I remained on the hill until about 11 p.m. and was then taken to a vault used as a place of confinement. I remained in the vault from 27 August 1952 until 7 September 1952, at which time I was released and no further action was taken.

(Signed) Corporal Bernard BULI

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of three pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Corporal Bernard BULI

Sworn and subscribed to before me, this 11th day of August, 1953, at APO 100.

(Signed) Edward L. SEAGRAVES

Captain, Artillery
Summary Court

We hereby certify that we were present at APO 100 when Corporal Bernard Buli made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said Corporal Bernard Buli signed the above statement in our presence.

Witnessed:

(Signed) William P. ALLEY

(Signed) I. H. SCHWEIKLAND

4. SWORN STATEMENT OF SERGEANT JACQUE BEAUPRE

I, Jacque Beaupre, RA 46041217, Sergeant, having been advised of my rights under Article 31, Uniform Code of Military Justice, by Edward I. Haligman, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

During January 1951 I was on the march from the Bean Camp to Camp No. 5. Altogether there were more than 500 prisoners of war on this march. The march lasted a total of six days, during which time many American prisoners died. Prisoners who were not able to walk fast enough were hit on the back with a rifle by the Chinese. On one occasion I lagged behind and was hit on the back with a rifle. During this march many men perished from lack of medical care and from exposure. One of these men was ... from Alabama, who died from exposure. Approximately 200 men died during this march.

Prior to our commencing the march we were at "Death Valley", where I witnessed the deaths of approximately thirty men each day for a period of about three weeks. The main causes of death were lack of medical care, food and shelter.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of two pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Jacque BEAUPRE

Sworn and subscribed to before me, this 27th day of August, 1953, at sea aboard the USNS General W. F. Hase.

(Signed) Edward I. HALIGMAN

First Lieutenant, JAGC
Summary Court

We hereby certify that we were present at sea aboard the USNS General W. F. Hase when Jacque Beaupre made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said Jacque Beaupre signed the above statement in our presence.

Witnessed:

(Signed) George MATSUMA

5. SWORN STATEMENT OF CORPORAL FLOYD C. CHRISTENSEN

I, Christensen, Floyd C., RA 17272603, Corporal, having been advised of my right under Article 31, Uniform Code of Military Justice, by Darrell D. Coleman, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

I was captured by the Chinese Communist Forces on 25 April 1951, while assigned to Company "E", 19th Regiment, 24th Division. On 13 May 1951, I met ..., US Army, age 20, other identifying data unknown. ... revealed the following information: The Chinese forces had placed him and two other American soldiers in an unused bunker in an area that was soon to be taken by the UN Forces. ... stated they waited one day and when no one arrived they went looking for food. They went inside a house in a near-by Korean village. While inside, a member of the Chinese Communist Forces found them and attempted to take them prisoner again. The three men overpowered him and one man shot the Chinese. The identity of the man who killed the Chinese is unknown. ... is the only one of the three I know. The three men then returned to the previously occupied bunker. After contemplating what they had done, they decided to return to the Korean house to bury the body. While attempting to bury the body they were discovered by three Chinese soldiers. The two men with ... escaped, but ... had frozen feet and could not run. The three Chinese took him to their unit and he was subsequently taken to "Peaceful Valley." About 1 June 1951 ... arrived at "Mining Camp", where he was placed in my platoon. On 5 June 1951 the Chinese came to the platoon area, tied ...'s hands behind his back and read his court-martial off to us in English. He was charged with a war crime, in that he had killed a Chinese. He was given no opportunity of defence. ... was then taken to a near-by hill and told to run. He took about five steps when the Chinese, an officer and three guards opened fire. ... dropped to the ground and the officer walked to him and shot him in the head. A detail of American soldiers buried the body near-by.

6. SWORN STATEMENT OF CORPORAL ROBERT A. GINN

I, Robert A. Ginn, RA 14314815, Corporal, having been advised of my right under Article 31, Uniform Code of Military Justice, by Sergeant Daward L. Runyan, RA 15051140, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

On 1 January 1951, we arrived at a location called the Mining Camp (also called Death Valley), where we stayed for approximately twenty days. During this time about 300 to 400 men died of malnutrition, pneumonia and dysentery out of the 2,000 men held there. Their bodies were left lying around for about a week or more and then finally moved. There was hardly any medical care at all except for a small black ball that was supposed to stop the running of the bowels, but didn't.

(Initialled) R. A. G

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of one page, and it is true and correct to the best of my knowledge and belief.

(Signed) Robert A. GINN
Corporal, RA 14314815

Sworn and subscribed to before me, this 11th day of August, at APO 100.

(Signed) Burzelon C. HAINS
Captain, MPC
Summary Court

7. SWORN STATEMENT OF CORPORAL DORLAND F. GUNTER

I, Gunter, Dorland F., RA 13278949, Corporal, having been advised of my right under Article 31, Uniform Code of Military Justice, by Harry Gaunt, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

I was taken prisoner on 1 December 1950 at a place located near Kunui (phonetic). I was a member of "C" Company, 2nd Engineers Combat Battalion, 2nd Division, attached to the 38th Regiment. I was first taken to a camp which was called "Death Valley". From this camp a group of 500 prisoners were marched about four and a half days. All of the march took place at night. We arrived at Camp No. 5 on 19 December 1950. Approximately seven days later seven copies of a magazine called "People's China" was distributed to the group in our room, squad No. 36, compound No. 105. Later the books were collected by Corporal ..., who then returned the books to the Chinese. Of the seven book, two books were returned. The remaining books were either thrown away or retained for latrine paper. About thirty minutes later two Chinese, one named "Limb" (phonetic) and a Korean (name unknown) came to the room and told us all to fall in outside. We were then taken to the river bank about fifty yards away. The group consisted of approximately thirty-five men. At this time the temperature was below zero and a strong cold wind was blowing. None of the prisoners were well clothed. We were made to stand with our hands in the air. If anyone moved or lowered his arms, he was struck with a limb from a tree. We remained exposed for approximately four and a half hours. As a result of this exposure many of the prisoners had frozen limbs. After we returned to our room no medical aid was given. As a result approximately half of the men in this group died. When a prisoner was so weak that he could not move, the Chinese came and gave the man an injection. About three to ten minutes after this injection was given the man died. During this period I asked for medical aid and was refused. I was threatened with punishment of being thrown into the bomb hole. I was told to return to my compound and not return asking for more aid. About two weeks later I became sick and had to be carried about. During the first portion of this period I received no medical aid. Soon thereafter an American medical doctor named Captain ... was brought in from the officers' compound to treat the prisoners. He was responsible for treating me and my being alive today. He had very limited facilities to work with and could not receive the proper supplies from the Chinese to treat those who needed medical aid.

(Signed) Dorland F. GUNTER

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of four pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Dorland F. GUNTER

Sworn and subscribed to before me, this 11th day of August, at Inchon, Korea.

(Signed) Harry GAUNT

Summary Court

Witnessed:

(Signed) Richard H. CLARK

8. SWORN STATEMENT OF SERGEANT CHARLES C. HANKEY

I, Charles C. Hankey, RA 15271727, Sergeant, having been advised of my rights under Article 31, Uniform Code of Military Justice, by Herman J. Bitto, make the following statement, voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

On 17 April 1951, we left the Bean Camp for Camp No. 1 with 735 men, all Americans except five, who were British. The march went along all right for the first two days; after that the food dropped very low; hardly enough to survive on. Then they started to double-time us from fifteen to twenty miles a night. Men who fell out were either beaten to death, shot or pushed over cliffs. Others died of starvation during periods of rest in Korean houses. No one was permitted to lay down during these breaks; we either had to sit or stand up. We were punished for begging food from Korean civilians by being beaten with a club. I saw the interpreter tie two men and beat them with a rifle butt and bayonet; that night they fell out of column and I heard two shots fired. I looked back and saw two men lying alongside the road in a ditch and two guards running to catch up with the rear of the column. Men had dysentery and when they had to defecate they did it in their pants, not being allowed to fall out of column. Some men did fall out of column to defecate; immediately they were beaten and told to fall back into the column. Some didn't and I never saw them again. When we arrived at Camp No. 1 we had a roll call. There were 325 men left out of the original 735 men. As many as two to five men died a day during the first three weeks in Camp No. 1, and ... dropped slightly, to one to five a week. When the peace negotiations began in July 1951 we started getting better food and what was left of us survived. When the armistice was signed, we men who were on the death march got together; we could only account for 155 men alive out of the original 735 men. At one time during this march, the Chinese officer who was in charge said: "I will march you American son-of-a-bitches till you die." His rank is unknown to me; his name is Wong; he is about six feet, two inches, and weighs about 165 pounds.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of two pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Charles C. HANKEY

Sworn and subscribed to before me, this 26th day of August, 1953, at sea aboard the USNS General W. F. Hase.

(Signed) Zigmund C. LUTCAVAGE

Major, Infantry

George M. MOORE

Major, Artillery

Summary Court

We hereby certify that we were present at sea aboard the USNS General W. F. Hase when Charles C. Hankey made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said Charles C. Hankey signed the above statement in our presence.

Witnessed:

(Signed) Roscoe C. GAILLARD

First Lieutenant, QMC

9. SWORN STATEMENT OF SERGEANT CHARLES C. HANKEY

I, Charles C. Hankey, RA 15271727, Sergeant, having been advised of my right under Article 31, Uniform Code of Military Justice, by James A. Ross, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

Approximately 735 men left Bean Camp in April 1951. After four days a lot of the men were in weakened condition. A number of men fell out from exhaustion and I saw the Chinese guards beat four of them with rifle butts and bayonets. Three of them did not get up and were kicked over to the side of the road. I never saw them again. About six days later two of the prisoners were accused of signalling airplanes with a mirror. These men were tied and beaten with a bayonet by Wong, Fnu and four guards. When the march started again these two men dropped out. I heard two shots and looked around. Two of the guards were walking away from the two men who were lying on the side of the road. The next evening so many men were unable to walk that the rest were unable to carry them all. I saw Wong, Fnu push two of the men over a cliff because they could not go on. After arriving at Camp No. 1 a roll call revealed that only 325 men were left. For about two weeks after this, men died in Camp No. 1 at the rate of two to five per day. By the time the armistice was signed, only 155 men were left from the original 735.

(Signed) Charles C. HANKEY

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of two pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Charles C. HANKEY

Sworn and subscribed to before me, this 26th day of August, 1953, at sea aboard the USNS General W. F. Hase.

(Signed) Zigmund C. LUTCAVAGE

Major, Infantry

George M. MOORE

Major, Artillery

Summary Court

We hereby certify that we were present at sea aboard the USNS General W. F. Hase when Charles C. Hankey made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said Charles C. Hankey signed the above statement in our presence.

Witnessed :

(Signed) Roscoe C. GAILLARD
First Lieutenant, QMC

10. SWORN STATEMENT OF SERGEANT ROBERT LEE WYATT

I, Wyatt, Robert Lee, RA 13270868, Sergeant, having been advised of my right under Article 31, Uniform Code of Military Justice, by Robert Lee Beamer, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

On 30 November 1950, near Kuniri, North Korea, while a member of "B" Battery, 503rd Field Artillery Battalion, we were stopped by a road block and attacked from both sides of the road by Chinese. The Chinese later moved in, killing wounded prisoners, and spraying ambulances loaded with wounded with gun fire. Approximately one week later, the captured Americans started to march north, picking up more prisoners all along the way. The march lasted about three weeks and finally ended at a mining camp called Death Valley. Approximately 400 prisoners died during the march from lack of food and clothing. During my two-week stay at Death Valley, approximately 500 men died there from malnutrition, dysentery and lice. On about 14 January 1951, I was transferred to Camp No. 5 near Pyokdeng, along with about 1,200 other men. Men died every day along the route of march and were left laying in the snow. I personally saw one man from 2nd Company tied by his wrists to a tree and beaten with a strap. A man named ... was beaten with a rifle butt. A man named ... was beaten to death by the Chinese for trying to escape in approximately February 1951. ..., Private First Class, was beaten by the camp headquarters staff as was was strung up by his arms and beaten with a rubber hose until he was unconscious. Men were forced to stand in the snow suffering from trench feet and pneumonia to listen to political speeches and many died. Medical treatment consisted of aspirin and opium pills. Shots were given the men to make their resistance low. No records were kept of the prisoners' deaths until prisoner-of-war lists were requested, and there are approximately 1,700 to 2,000 unmarked graves at Camp No. 5. Any man imprisoned for an infraction of the rules was beaten while in jail; if imprisoned for over four days he usually emerged with frozen feet.

(Signed) Robert Lee WYATT

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of three pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Robert Lee WYATT

Sworn and subscribed to before me, this 11th day of August, at Inchon, Korea.

(Signed) Edward J. HALIGMAN,
First Lieutenant, 02097120 JAGC
Summary Court

We hereby certify that we were present at Inchon, Korea, when Wyatt, Robert Lee, made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that the above statement was freely and voluntarily made. We further certify that the said Wyatt, Robert Lee, signed the above statement in our presence.

Witnessed :

(Signed) Robert Lee BEAMER, Canton, Ohio
(Signed) Donald D. NEATHERY, San Francisco, California

11. SWORN STATEMENT OF SERGEANT JAMES C. WILLIAMS

I, James C. Williams, RA 3411124, Sergeant, having been advised of my right under Article 31, Uniform Code of Military Justice, by Donald D. Neathery, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial; I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

On 1 December 1950 I was taken prisoner, and was taken to an area called Sunshine. From time of capture we went three days without food and drink. When we were fed after three days, they gave us red pepper corn. When we spit we spat pure blood, after eating this food. During the march they put us in holes while resting. They took us to Huffman Mining Camp, called Death Valley, and we arrived on 26 December 1950. During that time I saw ..., 9th Infantry Headquarters Company, whose feet were frozen, beaten by the Chinese and Korean guards because he couldn't walk and keep up with the rest of the prisoners. I saw many more beaten by rifle butts and kicked and called capitalists and slaughterers. After arriving at Death Valley, the buildings were not fit for hogs; the boards of the buildings were separated. We received no medical care. The Koreans gave shots to sick men and these same men died in the evening. Sergeant ... died from one of these shots given by a Korean doctor. I believe that these shots were some type of poison. They put us in rooms about eight by six. About eighteen men to one room. No doors or windows. I saw men trying to keep warm in rooms with only an M-7 overcoat between two men. These men still died. While we were in camp we still did not receive medical care; the wounds were never treated. At Death Valley they fed us old cracked corn and soy beans out of fifty-gallon oil drums. They had wood but would not let us use it to keep warm. There was no place to acquire heat in the buildings. We had to cook our food, which consisted of old millet by this time, with green wood from trees. The smoke choked and blinded us. On 1 January 1951 they gave us rocky rice (rice with rocks in it) and about five pounds of ham for 100 men. They took us to Camp No. 5—arrived 25 January 1951, which took four days and nights, with just a little rest. We travelled over 100 miles in four days; sick men along. Some of the men died on the way. ... was one; also ..., of the 303rd Field Artillery Battery, and ..., who on a sled was also dead when we arrived at Camp No. 5. No heat was at Camp No. 5. While on the way to Camp No. 5, the Communists took some of the men's shoes and made them

walk bare-footed. We received 600 grams of food per day. I saw Koreans beat men at Camp No. 5. One was a man named ..., who later died because of sickness. They made ... stand out in the cold in an exposed condition. The Communists use dope for their medicine. I saw men stood out in snow and ice for two or three hours for not saying South Korea started the war with North Korea. I was punished this way myself. I saw men forced to write derogatory letters about the United States by being beaten. I saw a man in Camp No. 5 with hands tied behind his back beaten to death with sticks and clubs. While at Camp No. 5 they ... food that ... rotten, fish with maggots in it. In November 1951 we were forced to have our picture taken for propaganda purposes. We were supposed to be new troops that were captured. They made us work in mines and were used as labourers for the Chinese. They forced us to go to propaganda schools. I saw the Communists beat ... of "B" Battery 503rd Field Artillery for not writing an autobiography. I saw them beat ... for not paying attention in classes. I saw the Communists make men stand in -0° below zero holding a pole above his head until he dropped from exhaustion.

(Signed) James C. WILLIAMS

Witnessed :

(Signed) Donald D. NEATHERY

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of three pages, and it is true and correct to the best of my knowledge and belief.

(Signed) James C. WILLIAMS

Sworn and subscribed to before me, this 11th day of August, at Inchon, Korea.

(Signed) George M. MOORE
Major, Artillery
Summary Court

We hereby certify that we were present at Inchon, Korea, when James C. Williams made the above statement and that he was fully advised of his rights as set forth above, that no promise of immunity or reward was made to him, that no force or duress was used or threatened, and that the above statement was freely and voluntarily made. We further certify that the said James C. Williams signed the above statement in our presence.

Witnessed :

(Signed) Edward J. HALIGMAN, Sioux City, Iowa

(Signed) Donald D. NEATHERY, San Francisco, California

12. SWORN STATEMENT OF SERGEANT NAZERVO SANTINI

I, Nazervo Santini, RA 12338436, Sergeant, having been advised of my right under Article 31, Uniform Code of Military Justice, by First Lieutenant Walter K. Prothero, 01320859, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

On the night of 1 November 1950 I was captured near Wonson, Korea. It was very cold at this time and I was clothed lightly. One of my Chinese captors took my sweater from me, causing me to suffer from the extreme cold. At the same time we were forced to lie down on a bank and a Chinese attempted to stab another PW (name unknown) but the PW evaded the attempt and was

unharmred. On the same night a Chinese soldier hit ..., Private, in the back with a heavy metal piece off a machine gun. This caused ... much pain and made it difficult for him to walk.

During late winter 1950 and early 1951, while at a temporary camp near Pyok-dong, we were fed very poorly. The meals consisted of a small bowl, two times a day, of barley, millet, corn or occasionally rice. However, I observed a ration dump at the camp which appeared to have a large stock of rations available.

From January until March 1951 we were given lectures by the Chinese on open, bare ground or unheated theatres. Most of the PW's were clad only in fatigues, and as a result many became sick from colds, pneumonia, or influenza. The Chinese would give these PW's shots, and many of them died a few hours after they received the shot.

During this period, January-March 1951, approximately twelve PW's died daily as a result of pneumonia, malnutrition, lack of medical treatment and possibly the previously mentioned shots.

In January or February 1951, the PW's of Compound No. 105, Camp No. 5, because of lack of toilet paper, used some Chinese propaganda literature for toilet paper. The Chinese heard of this and forced the entire compound of about sixty-four PW's, including the sick, to stand on the ice of the near-by Yalu River for approximately two or three hours. These PW's were clad in the clothes they were captured in, mostly fatigues, and suffered extremely from the bitter cold.

In February or March 1953, Private First Class ... and Private First Class ... (further identification unknown) were confined in a cell for about twelve days without adequate clothing. As a result both PW's suffered from severe frostbite of the feet.

I, at present, do not recall any further instances of this sort.

(Initialed) N. S.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of four pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Nazervo SANTINI

Sworn and subscribed to before me, this 11th day of August, 1953, at 509th Replacement Depot, APO 100.

(Signed) Samuel G. O'REGAN
Lieutenant Colonel, QMC
Summary Court

13. SWORN STATEMENT OF CORPORAL ROBERT D. SMITH

I, Robert D. Smith, RA 18284293, Corporal, having been advised of my right under Article 31, Uniform Code of Military Justice, by Morse Allen, Major, 441 CIC, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

During the winter of 1951, approximately the first week of February, I along with about fifty men (POW's) were marched out onto a frozen parade ground and were made to stand for four hours exposed to extreme cold. We were made to do this because the Chinese Reds in charge of the prison camps were punishing us for losing two

pamphlets which they had tried to force us to read. As a result of this many of our soldiers suffered exposure and got pneumonia. This camp was Camp No. 5 (Compound No. 105) near Pyokdong, North Korea.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of two pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Robert D. SMITH
Corporal, RA 18284293

Sworn and subscribed to before me, this 12th day of August, 1953, at 509th Replacement Company, Inchon.

(Signed) Morse ALLEN
Major, 441 CIC
Summary Court

14. SWORN STATEMENT OF SERGEANT GLENN J. OLIVER

I, Glenn J. Oliver, ER 18285266, Sergeant, having been advised of my right under Article 31, Uniform Code of Military Justice, by First Lieutenant George D. Prescott, make the following statement voluntarily, without threats, promise of reward or immunity, or unlawful influence or inducement. I know that I do not have to make any statement regarding any offence of which I am accused or suspected, and that any statement made by me may be used as evidence against me in a trial by court-martial. I know, also, that I need not make any statement which would incriminate me, or tend to incriminate me, or tend to degrade me.

I was captured 3 January 1951 and kept in the vicinity of the front lines until 10 January 1951. On 5 January 1951 I was placed in a mud hut with approximately thirty other men. The room we were placed in was windowless and about six feet by six feet in size and inadequate for any of us to lay down. I was taken back to the front lines to drive a US vehicle back, approximately 10 January 1951, but due to heavy bombing and strafing of UN planes returned to enemy (CCF) rear without truck. After 10 January 1951 we started moving to the rear at night and during the day we were placed in small dugouts and huts of insufficient size for any of us to lay down without laying on top of each other. We marched in this manner until approximately the middle of February 1951, when we stopped in a mining camp in the vicinity of Pong Yang.

During our march we received two meals a day, consisting of from one half to one bowl of rice, whole corn, barley, or millet. We lost approximately three men from our group during the march. We started to march north from Pong Yang approximately 20 February 1951 and overtook approximately thirty other UN prisoners on the

march. The approximately thirty UN PW's we overtook were without sufficient clothing and none had shoes, though a few had grass slippers. I saw at least six of these men dragged by CCF guards, either by arms or legs, and many were prodded with bayonets. Eventually all of the thirty PW's we overtook fell out over a period of days and after we passed from their ... we heard shots fired and after the last of the thirty fell out we never saw any of them again. We marched until about 15 March 1951, covering from fifteen to thirty miles per day with two meals per day of either rice, whole corn, barley, or millet. We reached Prison Camp No. 5 approximately 15 March 1951 and were placed in mud huts with three rooms and a kitchen. Each room contained about fifteen PW's and was from six to eight feet on a side. We had insufficient firewood and had to steal it. On or about 28 March 1951 I was caught with some wood and had to hold it over my head for at least an hour in extreme cold. I witnessed at least fifty others do this also. About 10 April 1951 I witnessed a UN PW being beaten by two CCF soldiers on a shirtless back with heavy leather belts. This soldier had his hands tied behind his back. In August of 1952 a man we spoke of as Sergeant ... was taken into a brick building we called the jail, and kept there about a week for no apparent reason. The Sergeant was in apparent good health when taken into the jail, but I saw him removed and taken to another building approximately a week later and at this time his head was heavily bandaged and he seemed hardly able to walk. We never saw Sergeant ... again. In approximately June 1951 I was placed in a work squad and attached to the hospital at PW Camp No. 5. Here I saw at least 150 men die with insufficient food and covered with lice. Men in poor condition were placed outdoors with little or no clothing and eaten by flies and worms. I saw at least fifty men given injections of an unknown type of fluid and they would die within five minutes. From approximately 15 March to June 1951, I saw at least 300 men die in the hospital or in the camp. I believe it was from exposure and poor food. Approximately mid-April 1951, I worked on a burial detail and counted exactly forty men carried to the burial ground that day.

I further state that the foregoing statement was made by me freely and voluntarily, and without promise of benefit, or threat or use of force or duress. I have read the foregoing statement, consisting of three pages, and it is true and correct to the best of my knowledge and belief.

(Signed) Glenn J. OLIVER

Sworn and subscribed to before me, this 11th day of August, 1953, at Inchon, Korea.

(Signed) Calvin J. GRANGS
G-1, AFPE
Summary Court

DOCUMENT A/L.169

Australia, France, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America : draft resolution[Original text : English]
[30 November 1953]*The General Assembly,*

Having considered the item "Question of atrocities committed by the North Korean and Chinese Communist forces against United Nations prisoners of war in Korea" proposed by the United States of America in documents A/2531 and A/2531/Add.1 of 30 and 31 October 1953,

Recalling that basic legal requirements for humane treatment of prisoners of war and civilians in connexion with the conduct of hostilities are established by general international law and find authoritative reaffirmation in the Geneva Conventions of 1929 and 1949 relative to the treatment of prisoners of war and in the Geneva Convention of 1949 relative to the protection of civilian persons in time of war,

Recalling that these Conventions also embody precise and detailed provisions for giving effect to the basic legal requirements referred to above, and that these provisions, to the extent that they have not become binding as

treaty law, have been accorded most general support by the international community,

Desiring to secure general and full observance of the requirements of international law and of universal standards of human decency,

1. Expresses its grave concern at reports and information that North Korean and Chinese Communist forces have, in a large number of instances, employed inhuman practices against the heroic soldiers of forces under the United Nations Command in Korea and against the civilian population of Korea ;

2. Condemns the commission by any governments or authorities of murder, mutilation, torture, and other atrocious acts against captured military personnel or civilian populations, as a violation of rules of international law and basic standards of conduct and morality and as affronting human rights and the dignity and worth of the human person.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 467th plenary meeting, on 3 December 1953, the General Assembly adopted the above draft resolution (A/L.169). For the final text, see resolution 804 (VIII).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/2187	Report of the United Nations Commission for the Unification and Rehabilitation of Korea		Official Records of the General Assembly, Seventh Session, Supplement No. 14
A/2355	Union of Soviet Socialist Republics : request for the inclusion of an additional item in the agenda of the seventh session		Ibid., Seventh Session, Annexes, agenda item 76
A/2531	United States of America : request for the inclusion of an additional item in the agenda of the eighth session	1	
A/2531/Add.1	United States of America : explanatory memorandum	2	
A/2563	Letter dated 26 November 1953 from the United States representative to the United Nations addressed to the Secretary-General, transmitting documents relative to the question of atrocities in Korea	2	
A/C.1/L.60	Letter dated 26 October 1953 from the permanent representative of the United States to the United Nations addressed to the Secretary-General transmitting copies of sworn statements of members of the United States armed forces		Ibid., Eighth Session, agenda item 24
A/L.169	Australia, France, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America : draft resolution	51	
A/RESOLUTION/161	Resolution adopted by the General Assembly at its 467th plenary meeting on 3 December 1953		Ibid., Eighth Session, Supplement No. 17, resolution 804 (VIII)
S/1674	Letter dated 7 August 1950 addressed to the Secretary-General from the President of the Security Council transmitting a communication from the Minister for Foreign Affairs of the People's Democratic Republic of Korea		Official Records of the Security Council, Fifth Year, No. 26
S/1778/Rev.1	Cablegram dated 7 September 1950 to the President of the Security Council and to the Secretary-General from the Minister for Foreign Affairs of the People's Democratic Republic of Korea, concerning the complaint of aggression upon the Republic of Korea		Ibid., No. 44

GENERAL ASSEMBLY



ANNEXES

EIGHTH SESSION

Official Records

HEADQUARTERS, NEW YORK, 1953

Agenda item 75: Application of Japan to become a party to the Statute of the International Court of Justice

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DOCUMENT A/2600

Letter dated 3 December 1953 from the President of the Security Council to the President of the General Assembly

[Original text: English]
[3 December 1953]

I have the honour to inform you that, by a letter dated 26 October 1953 (S/3126), addressed to the Secretary-General, the permanent observer of Japan to the United Nations transmitted a cablegram dated 24 October 1953 in which the Minister for Foreign Affairs of Japan expressed the desire to know the conditions on which Japan could become a party to the Statute of the International Court of Justice.

Under Article 93, paragraph 2, of the Charter, those conditions are to be determined by the General Assembly upon the recommendation of the Security Council.

The Security Council, at its 641st meeting, on 23 November 1953, decided to refer this communication to its Committee of Experts for consideration and report. After considering the Committee's report (S/3146) at its 645th meeting, on 3 December 1953, the Council adopted the following recommendation by a vote of 10 in favour, none against, and 1 abstention (Union of Soviet Socialist Republics):

"The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2,

of the Charter, determine the conditions on which Japan may become a party to the Statute of the International Court of Justice, as follows:

" 'Japan will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of Japan and ratified as may be required by Japanese constitutional law, containing:

" '(a) Acceptance of the provisions of the Statute of the International Court of Justice;

" '(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;

" '(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time, after consultation with the Japanese Government.'"

(Signed) Alexis KYROU
President of the Security Council

DOCUMENT A/L.174**Lebanon : draft resolution**

[Original text : English]
[8 December 1953]

Whereas the Government of Japan, by a communication dated 24 October 1953 addressed to the Secretary-General, has expressed the desire to learn the conditions under which Japan could become a party to the Statute of the International Court of Justice,

Whereas Article 93, paragraph 2, of the Charter provides that a State which is not a Member of the United Nations may become a party to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council,

Whereas the Security Council has adopted a recommendation on this matter,¹

The General Assembly

Determines, in pursuance of Article 93, paragraph 2, of the Charter and upon the recommendation of the Security

Council, the conditions on which Japan may become a party to the Statute of the International Court of Justice, as follows :

“Japan will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of Japan and ratified as may be required by the constitutional law of Japan, containing :

“(a) Acceptance of the provisions of the Statute of the International Court of Justice ;

“(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter ;

“(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Government of Japan.”

¹ See document A/2600.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted the draft resolution submitted by Lebanon (see above). For the final text, see resolution 805 (VIII).

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A/L.174	Lebanon : draft resolution	2	
A/RESOLUTION/183	Resolution adopted by the General Assembly at its 471st plenary meeting, on 9 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 805 (VIII)

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ANNEXES

EIGHTH SESSION

Official Records

HEADQUARTERS, NEW YORK, 1953

Agenda item 76: Application of San Marino to become a party to the Statute of the International Court of Justice

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DOCUMENT A/2601

Letter dated 3 December 1953 from the President of the Security Council to the President of the General Assembly

[Original text: English]
[3 December 1953]

I have the honour to inform you that, by a letter dated 6 November 1953 (S/3137), the Secretary of State for Foreign Affairs of the Republic of San Marino informed the Secretary-General of the Republic's desire to become a party to the Statute of the International Court of Justice and asked to be informed of the necessary conditions.

Under Article 93, paragraph 2, of the Charter, those conditions are to be determined by the General Assembly upon the recommendation of the Security Council.

The Security Council, at its 641st meeting, on 23 November 1953, decided to refer this letter to its Committee of Experts for consideration and report. After considering the Committee's report (S/3147) at its 645th meeting, on 3 December 1953, the Council adopted the following recommendations by a vote of 10 in favour, none against and 1 abstention (Union of Soviet Socialist Republics) :

"The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which San

Marino may become a party to the Statute of the International Court of Justice, as follows :

" 'San Marino will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of the Republic and ratified as may be required by the constitutional law of San Marino, containing :

" '(a) Acceptance of the provisions of the Statute of the International Court of Justice ;

" '(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter ;

" '(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time, after consultation with the Government of San Marino.' "

(Signed) Alexis KYROU
President of the Security Council

DOCUMENT A/L.175**Chile : draft resolution**

[Original text : English]
[8 December 1953]

Whereas the Government of the Republic of San Marino, by a communication dated 6 November 1953 addressed to the Secretary-General, has expressed the desire to learn the conditions under which San Marino could become a party to the Statute of the International Court of Justice,

Whereas Article 93, paragraph 2, of the Charter provides that a State which is not a Member of the United Nations may become a party to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council,

Whereas the Security Council has adopted a recommendation on this matter ;¹

The General Assembly

Determines, in pursuance of Article 93, paragraph 2, of the Charter and upon the recommendation of the

¹ See document A/2601.

Security Council, the conditions on which San Marino may become a party to the Statute of the International Court of Justice, as follows :

“San Marino will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of the Republic of San Marino and ratified as may be required by the constitutional law of San Marino, containing :

“(a) Acceptance of the provisions of the Statute of the International Court of Justice ;

“(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter ;

“(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the San Marino Government.”

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 471st plenary meeting, on 9 December 1953, the General Assembly adopted the draft resolution submitted by Chile (see above). For the final text, see resolution 806 (VIII).

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A/RESOLUTION/184	Resolution adopted by the General Assembly at its 471st plenary meeting on 9 December 1953		Official Records of the General Assembly, Eighth Session, Supplement No. 17, resolution 806 (VIII)

Draft resolution VI

THE RIGHT OF PEOPLES AND NATIONS TO SELF-DETERMINATION

The General Assembly,

Recalling General Assembly resolution 637 C (VII) of 16 December 1952 and Economic and Social Council resolution 472 (XV) of 1 April 1953 inviting the Commission on Human Rights to make recommendations concerning international respect for the right of peoples and nations to self-determination,

Recalling also General Assembly resolution 648 (VII) of 10 December 1952,

Considering that the Commission on Human Rights had been unable due to lack of time to prepare such recommendations at its ninth session,

Considering the importance of the observance of, and respect for, the right of self-determination in the promotion of world peace and of friendly relations between peoples and nations,

1. *Requests* the Commission on Human Rights to give due priority at its tenth session to the preparation of such recommendations;

2. *Requests* the Secretary-General to transmit to the Commission on Human Rights the summary records of the debate of this matter.

Draft resolution VII

DEVELOPMENT OF THE WORK OF THE UNITED NATIONS FOR WIDER OBSERVANCE OF, AND RESPECT FOR, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS THROUGHOUT THE WORLD

The General Assembly,

Considering, that, under Articles 55 and 56 of the Charter, the Members of the United Nations have pledged

themselves to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desiring to advance as rapidly as possible respect for, and observance of, human rights and fundamental freedoms and to stimulate Member States to press forward towards attaining the goals set forth in the Universal Declaration of Human Rights.

Noting that the Commission on Human Rights, at its ninth session, considered three draft resolutions (E/CN.4/L.266/Rev.2, E/CN.4/L.267/Rev.1 and E/CN.4/L.268) concerning the development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world,

Noting that the Economic and Social Council, in resolution 501 C (XVI) of 3 August 1953, requested Member States and specialized agencies to submit their comments on the draft resolutions and the amendments thereto to the Secretary-General in so far as possible by 1 October 1953,

Requests the Economic and Social Council to ask the Commission on Human Rights:

(a) To consider, at its tenth session, the three draft resolutions concerning the development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world, and to prepare if possible, to supplement the provisions of the covenants on human rights, recommendations thereon, in order that these recommendations may be considered by the Economic and Social Council at its eighteenth session;

(b) To take account, at its tenth session, of the comments made by Member States and specialized agencies and of the views expressed on this subject at the eighth session of the General Assembly.

DOCUMENT A/2599**Report of the Second Committee**

[Original text: English]
[3 December 1953]

1. The General Assembly, at its 435th plenary meeting on 17 September 1953, allocated to the Second Committee the item "Report of the Economic and Social Council (chapters II and III)" (A/2430).

2. With respect to its consideration of item 12, the Committee, at its 248th meeting, agreed that:

(a) Chapter III of the report of the Economic and Social Council (with the exception of part B, which is related to agenda items 27 and 61, and section VI of part A, which is related to item 60) could appropriately be discussed simultaneously with item 26, "Economic development of under-developed countries";

(b) When item 26 was under discussion, the members of the Committee should feel free to comment on such

sections of chapter II of the report of the Council as they felt were relevant to that item; and finally

(c) Members of the Committee should be free to make such general statements as they might feel necessary when item 12 was taken up. (Many members of the Committee availed themselves of this opportunity.)

3. The Committee devoted four meetings (the 280th to 283rd meetings) to the general debate on item 12, in which seven delegations took part.

4. At its 283rd meeting, the Committee agreed to take note of chapters II and III of the report of the Economic and Social Council and to instruct the Rapporteur to report accordingly to the General Assembly.