

GENERAL ASSEMBLY

THIRTEENTH SESSION

Official Records

Thursday, 6 November 1958,
at 10.55 a.m.

NEW YORK

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Chairman: Mr. Toru HAGIWARA (Japan).

AGENDA ITEM 29

Programmes of technical assistance (*continued*):

- (c) Establishment of an international administrative service (A/3848, chap. III, section VI, A/C.2/200, A/C.2/L.379)

GENERAL DISCUSSION (*continued*) AND EXAMINATION OF THE DRAFT RESOLUTION CONCERNING UNITED NATIONS TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION (A/C.2/L.379) (*continued*)

1. Mr. VILAIHONGS (Laos) said that, in general, his delegation supported the ten-Power draft resolution (A/C.2/L.379). He would point out, however, in connexion with operative paragraphs 2 (b) and 3, that countries like his own had, in the past, been exempted from all financial responsibility in connexion with technical assistance. The fact was that many underdeveloped countries could not meet the costs involved. He would, therefore, urge the sponsors to consider amending the draft resolution so as to permit such countries to benefit from the valuable assistance that would be made available. His delegation would support the draft resolution, however, even if no change were made in it, since it was aware that many other countries could benefit from it.

2. Mr. ENNAJI (Tunisia) welcomed the efforts of the United Nations to reinforce the assistance given to certain countries in the field of public administration. An effective administration was essential to harmonious economic development. The need for help in that direction was very acute in some countries, particularly in Africa, and, more especially, among those which had recently emerged to independence. The needs of countries shortly to become independent, would be even greater. But the recommendation in operative paragraph 2 of the draft resolution confined itself to "Member Governments", whereas some of the countries he had in mind as, for instance, Nigeria and the Cameroons, were not yet Members of the Organization. The sponsors of the draft resolution might perhaps bear that point in mind.

3. Mr. ZENKER (Austria) was not surprised that many countries should seek assistance in administrative as well as technical matters, since an effective administration was essential to any governmental activity, and thought that the proposed programme of United Nations assistance in public administration might be helpful. Although generally in favour of such an extension of the technical assistance programmes, his delegation shared the reservations of certain other delegations. It foresaw other difficulties, too, which had not so far been mentioned. A foreign official might, for instance, find himself in a difficult position in the event of a change of government or of the political system in the host country; the new government might hold him responsible for actions performed on the instructions of its predecessor. Again, many countries might, like Austria, provide in their laws that a national entering the civil service of a foreign country automatically lost his citizenship. Both those difficulties could be overcome, if the foreign official were granted a specific international status under the United Nations. The United Nations must ensure the protection of international administrators in such situations, as their own countries would probably not be in a position to do so.

4. In his view, the method of providing such assistance outlined by the Secretary-General and by the Director-General of the Technical Assistance Administration (TAA), was admirable and offered the quickest and most practical way of securing the desired results. He did not share the fear of some delegations that foreign administrators would constitute a political risk for the host country.

5. Mr. PSCOLKA (Czechoslovakia) said that his delegation, while believing that the primary concern of the less developed countries should be for their economic development, nevertheless understood their desire to improve their administrative systems, and was not opposed to their efforts to secure qualified assistance in the field of public administration. It could not, however, entertain the idea of setting up a special international administrative service for that purpose, for it would entail many risks for the host countries, notably those of the birth of neo-colonialism, interference in their domestic affairs and the impairment of their sovereignty. The employment of foreigners in an executive capacity should be purely exceptional and should be avoided wherever possible. In any event, it would be unwise for the United Nations to encourage Governments to employ foreigners on a semi-permanent basis. It should rather urge the less developed countries to concentrate on training their own nationals.

6. His delegation did not regard the expansion of assistance in the field of public administration as a matter of priority. Projects of direct significance

for economic development should not be allowed to suffer through the use of resources for public administration projects. Such requests as were made for that form of assistance—and those mentioned by the Director-General of TAA (543rd meeting), did not seem to him to differ in nature from requests received and met in the past—could, he thought, be dealt with through the existing technical assistance programmes. That method of dealing with them would, in any case, have the advantage of avoiding the various risks he had mentioned.

7. Mr. Mir KHAN (Pakistan), replying to a question put by Mr. TEIXEIRA PINTO (Portugal), observed that "Establishment of an international administrative service" was the wording of agenda item 29 (c), approved by the General Assembly; the title of the ten-Power draft resolution was "United Nations assistance in public administration". The term "service" had a very specific meaning in all national administrations and implied certain terms and conditions. That was certainly not what the sponsors of the draft resolution had in mind. They envisaged, not a permanent body recruited at a certain age and in accordance with certain rules, but a group of individuals recruited temporarily for different purposes, at different ages and on different terms.

8. Turning to the draft resolution itself, he said that the first preambular paragraph was intended as an acknowledgement of the value of the contributions of experts provided by the Public Administration Division of TAA towards the fulfilment of economic and social development plans. With reference to the Czechoslovak representative's remarks in that connexion, he would point out that no economic or social development project could be carried out without qualified executive personnel.

9. The third preambular paragraph embodied the basic consideration behind the whole proposal. The Secretariat had, in fact, received requests for assistance of the type envisaged. Pakistan itself, although independent for eleven years, had found it necessary to recruit qualified persons from abroad to fill operational or executive posts in various branches of its administration. Operative paragraph 2 (a), he noted, contained the necessary safeguards, namely, that such assistance should be provided on a temporary basis only, and solely at the request of Governments, that the administrators concerned should be regarded as servants of those Governments, and that it should be among their duties to train nationals to take their places as early as possible. Operative paragraph 2 (b) was certainly intended to imply that Governments entitled to seek exemption from the payment of such expenses, could do so. As for operative paragraph 3, the sponsors considered that it would be only fair to ask the requesting Government to pay the expert the amount it would have paid one of its own nationals for performing the same duties. Referring to operative paragraph 4, he said that the sponsors understood that the contractual obligations involved would be primarily between the recipient Government and the expert. The United Nations role would be to secure fair contractual conditions between employer and employee.

10. The view had been expressed, both inside and outside the Committee, that a foreigner would be less useful than a national in a given post, since he might

not know the language or understand the people and their background. That might be so, but it was always open to Governments to refuse any experts offered. Furthermore, as Pakistan itself had found, a foreigner was often more effective than a national in certain posts in an administration, because he was not influenced by local factors. With regard to fears as to the foreign administrator's subversive influence in a country or the threat he posed to its security and independence, the general responsibility of the United Nations should be a sufficient guarantee against that. The United Nations was a guardian of the rights of peoples; it had helped former subject peoples to establish and maintain their independence and was seeking arrangements to release those still under colonial rule and to safeguard them thereafter from foreign influence and actual aggression.

11. Mr. HAYTA (Turkey) expressed appreciation of the Secretary-General's initiative in putting forward his proposal for an international administrative service. His country would not request assistance under the new scheme, since its present legislation would not allow the employment of foreigners in public service. Nevertheless, it fully supported the draft resolution as a means of helping other countries. In that connexion, his delegation felt that, in view of the objections which had been raised to the establishment of an international administrative service as a separate body, it would be better to discuss the matter at future sessions of the General Assembly and the Economic and Social Council under the heading "United Nations assistance in public administration", the title of the draft before the Committee.

12. With regard to the text of the draft, it might be advisable, as the Secretary-General's report on the new type of assistance would be the first of its kind, to include the wording of Economic and Social Council resolution 681 (XXVI) in operative paragraph 7, making it read "... to report to the Economic and Social Council, at its twenty-eighth session, in detail on the progress of this experiment and on the results achieved".

13. As far as the legal status of the experts was concerned, he assumed that they would not lose their own nationality, acquire the nationality of the recipient government, or enjoy diplomatic immunities. They might become involved in legal proceedings during their assignment, and their status should, therefore, be defined in the agreements with the United Nations and the Governments concerned. Similar agreements already existed, but it was doubtful if they could be extended to cover persons who were servants of the recipient Governments.

14. Mr. ANSELL (New Zealand) said that it would be difficult to over-estimate the importance of public administration to any country, particularly as regards economic development. In view of the fact that the draft resolution had received general agreement in principle, especially from the under-developed countries, and because of the merit of its objectives, his delegation would support it. Although practical difficulties might arise, and it would therefore be prudent to begin "on a modest scale and on an experimental basis", he thought there were no insuperable obstacles. There was no reason to fear that internationally recruited experts would be involved in politics or that it would be impossible to

assimilate them in national administrations. Under the Colombo Plan, New Zealand had sent experts in both advisory and executive capacities to less developed countries, and most of them had accomplished their tasks with success. Great importance should be attached to the reference to the training of nationals in operative paragraph 2 (a), since that was perhaps the main justification of the proposal.

15. Mr. ALVAREZ RESTREPO (Colombia) said that his delegation would have opposed any proposal to establish an international administrative service as a separate body, but in the light of the explanations given by the Director-General of TAA, would be able to support the draft resolution.

16. When the countries of Latin America had first achieved independence, they had faced great difficulties after the departure of the Spanish administrators, and could thus appreciate the needs of many countries of Africa and Asia in the field of public administration, which was the basis of sound government and was even more important than economic development projects. Bad administration and misuse of public funds led to internal disorders, which inevitably had adverse repercussions on the economy. His country had greatly benefited from technical assistance in public administration and considered the requests for an extension of aid in that field fully justified. Although certain countries, including all the Latin American countries, had a constitutional obstacle to the employment of foreigners in public services, some of them might be able to amend their constitutions so as to be able to take advantage of the new scheme. Provision should be made for cases where Governments were so satisfied with the work of an international official that they would wish to prolong his contract. In view of the limited nature of the initial experiment, the service should be spread over as many countries as possible.

17. Mr. CABALLERO MARSAL (Paraguay) noted that, when first consulted by the Secretary-General, his Government had expressed enthusiasm over the possibilities of an international administrative service. He was sure that other under-developed countries would also be ready to take advantage of assistance in that field, especially, since it was one of the scheme's basic principles that the political integrity of recipient Governments would be safeguarded and that all operations would be under their control. Although experts sent under the existing technical assistance programmes often had some effect on administration, their influence was only indirect, and officials with clearly defined executive duties would thus fill a gap. The under-developed countries could not, at present, afford to engage foreign experts from their own resources. Most of the criticisms made in the general discussion had some justification, but they could as well be applied to the Expanded Programme of Technical Assistance. Under the new scheme, overlapping between the activities of United Nations experts and local officials would be avoided. His country would be prepared to draw up detailed requests so as to give a clear picture of the purpose for which experts would be required.

18. As far as the draft resolution was concerned, he would suggest the addition of the following clause at the end of operative paragraph 6: "until the ex-

periment justifies consideration of the possibility of establishing it on a broader basis".

19. Mr. SUWASTOJO (Indonesia) said that, if his delegation had from the outset approved of the idea of an international administrative service, it understood now much better its exact scope and realized what some of the implications were. It was also encouraged by the wide-spread support the Secretary-General's scheme had received, as described in his memorandum (A/C.2/200). It was true that a number of countries were opposed to the proposal for reasons of principle, which he could appreciate, but he was sure that they would recognize the importance of giving other countries an opportunity to avail themselves of assistance under the new scheme, if they wished to do so. The statements by the Secretary-General (539th meeting) and the Director-General of TAA should, he believed, have removed the doubt and apprehension expressed by some representatives, since it had been made clear that assistance would be given only on the specific request of the Government concerned, which would determine the responsibilities of the appointee and the duration of his assignment. It would, in fact, be for the Government concerned to decide whether it wished to discontinue or retain the services of any expert obtained under the programme. The proposed arrangements were, he believed, satisfactory and would effectively assist requesting Governments both to improve current operations in the field of public administration and to train national personnel through on-the-job training.

20. He attached great importance to the terms of the agreements between requesting Governments, the United Nations and the experts themselves. While recognizing that uniform contracts might have advantages, it would be wise to allow some flexibility to take into account the different conditions in the various countries.

21. He was in general agreement with the joint draft resolution, which, in his view, faithfully reflected the terms of Economic and Social Council resolution 681 (XXVI). He would, however, suggest that, in operative paragraph 2 (b), the words "if necessary", which did not appear in resolution 681 (XXVI), should be deleted to meet the point made by the representative of Laos.

22. Mr. YRIART (Uruguay) said that his delegation would support the joint draft resolution. It had been impressed by the Secretary-General's keen personal interest in the proposed scheme and by the fact that a great many under-developed countries had indicated their need for assistance of the type the new arrangements would provide. His Government was aware of the fundamental part good public administration played in economic development and had itself received valuable assistance in that field under the United Nations technical assistance programmes.

23. Notwithstanding his support for the proposal, he would have welcomed a clearer definition of the type of assistance to be provided, with particular reference to the way in which it would differ from the assistance furnished under existing technical assistance programmes. In that connexion, he thought that the Portuguese representative's suggestion (543rd meeting) that the Director-General of TAA should circulate

a document showing the type of assistance requested, was a useful one and would help to clear up the confusion concerning the nature of the executive and operational functions the experts appointed under the new programme would perform. The fact remained, however, that the position could not be clarified until the programme had been operating on an experimental basis for a considerable time. Only then would it be possible to know in what ways Governments wished to have the assistance they were receiving under existing programmes supplemented. From that point of view, the proposal in the joint draft was satisfactory, since it was sufficiently flexible to enable the United Nations to endeavour to meet any requests addressed to it. When the results of the experiment had been analysed, it would be possible to see whether a new service was required or whether the existing technical assistance programmes could meet the needs of Governments.

24. With regard to the text of the draft resolution, he felt that it should be made clear in operative paragraph 2 (a) that, although the experts would perform their duties in the service and under the direction of the requesting Governments, they would not be civil servants in the strict sense of the term. The word "servants" might perhaps be misleading.

25. He agreed with the Turkish representative's observations concerning the wording of the item and the title of the draft resolution.

26. Mr. JANTUAH (Ghana) said that, although he had found the arguments in favour of the draft resolution

persuasive and would support the early establishment of the international administrative service, he thought that certain of the criticisms of the proposal were pertinent. It was, for instance, true that, in its experimental stages, the programme would be able to do little to improve public administration in underdeveloped countries. Fears had also been expressed regarding the calibre of the experts who would be recruited, and the danger of interference in political issues. In that connexion, he wished to place on record his delegation's appreciation of the integrity and competence of the experts who had worked in Ghana under the existing technical assistance programmes. If the experts appointed under the new programme were recruited on a truly international basis without regard for political systems, he was certain that the dangers feared by some representatives, could be avoided.

27. Turning to the draft resolution itself, he said that he would like to know what steps were proposed to ensure that the experts would train nationals to assume their duties as early as possible. It might be useful to include a provision to that effect in the agreements referred to in operative paragraph 4. He had some misgivings about the words "and agreement" in operative paragraph 5, and believed that they should be deleted. It could hardly be the intention of the sponsors that the Secretary-General should take no action on the request of a Member Government if he could not obtain the agreement of the specialized agency concerned.

The meeting rose at 1.10 p.m.