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Chairman: Brigadier-General Carlos P. ROMULO (Philippines).

Progress of work of the seventh session of the General Assembly: letter from the President of the General Assembly

1. The CHAIRMAN read out a letter dated 5 December 1952, which he had received from the President of the General Assembly regarding the progress of the work of the seventh session of the General Assembly. The letter stated that at its 400th meeting, held on 5 December 1952, the General Assembly had approved the recommendations contained in the General Committee's report (A/2288) and had agreed that the General Committee should meet again on 15 December for the purpose of making recommendations with regard to the status of items on the agenda of the Main Committees. The General Assembly also urged Committees to complete the consideration of their respective agenda by the target date of 20 December 1952.

2. He felt that if the Fifth Committee worked with its usual speed and efficiency it would be unnecessary to plan for the holding of night meetings.

United Nations Joint Staff Pension Fund

[Item 45]*

(a) Annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1951 (A/2189, A/2285)

3. The CHAIRMAN drew attention to the annual report of the United Nations Joint Staff Pension Board (A/2189) and the twenty-fourth report of the Advisory

Committee on Administrative and Budgetary Questions to the seventh session of the General Assembly (A/2285), and pointed out that under the regulations establishing the Pension Fund an annual report covering the Fund's operations for the past year had to be submitted to the General Assembly. Paragraphs 2 to 8 of the Advisory Committee's report contained views and recommendations concerning the question of the competent jurisdiction for hearing applications alleging non-observance of Pension Fund regulations.

4. Mr. BRENNAN (Australia), speaking as Rapporteur of the Joint Staff Pension Board, recalled that as the Board had felt that it was in a difficult position in the matter of the competent jurisdiction for hearing appeals against the Board's decisions, it had submitted the problem to a previous meeting of the Fifth Committee which had referred it to the Advisory Committee.

5. Mr. VAN ASCH VAN WIJCK (Netherlands) paid a tribute to the work done by the United Nations Joint Staff Pension Board and the United Nations Joint Staff Pension Committee, and emphasized the difficulty of organizing such a fund.

6. Referring to the question of jurisdiction for hearing appeals against decisions of the Board, he drew attention to paragraph 5 of the Advisory Committee's report and agreed that it would be unfortunate if applications concerning the same regulation were dealt with differently by different member organizations and not judged on the basis of the same principles. He hoped that the various organizations which were members of

* Indicates the item number on the agenda of the General Assembly.

the United Nations Joint Staff Pension Fund would try to reach an understanding on that matter and accept the exclusive jurisdiction of one tribunal, which he felt should be the United Nations Administrative Tribunal.

7. Mr. FRIIS (Denmark), drawing attention to a statement he had made at the 348th meeting, said that every effort should be made to reduce the heavy administrative costs of the United Nations Staff Pension Fund. He referred especially to the distances travelled by staff representatives and delegations attending meetings of the Board, and suggested that a more simple procedure could perhaps be found as regards the Board's composition. Although he did not intend to submit a formal proposal to that effect, he hoped that his suggestion would be considered by the Board.

8. Mr. ISNOR (Canada) was in general agreement with the Netherlands representative. He had carefully studied the reports of the Pension Board and the Advisory Committee, and concurred in the latter's recommendation that there should be a single jurisdiction to consider appeals against decisions of local pension committees. He also agreed with the Advisory Committee that the most practical course would be to invite member organizations to accept the exclusive jurisdiction of the United Nations Administrative Tribunal. He therefore suggested that the Secretary-General should be authorized to consult with the specialized agencies concerned and invite them to accept the jurisdiction of that Tribunal. If any specialized agency felt that such a course was undesirable the Secretary-General should inquire what alternative arrangement that agency preferred.

9. The CHAIRMAN proposed that the Committee should recommend the following draft resolution for adoption by the General Assembly:

"The General Assembly

"1. Takes note of the annual report of the United Nations Joint Staff Pension Board for the year ended 31 December 1951;

"2. Requests the Secretary-General to bring to the attention of the specialized agencies which are members of the United Nations Joint Staff Pension Fund the reports submitted to the seventh session of the General Assembly by the United Nations Joint Staff Pension Board and by the Advisory Committee on Administrative and Budgetary Questions;

"3. Recommends that the appropriate governing organs of the specialized agencies concerned accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of Pension Fund regulations;

"4. Requests the Secretary-General to report to the eighth session of the General Assembly on the action taken by the specialized agencies concerning this recommendation."

The draft resolution was adopted by 41 votes to none.

(b) Second actuarial valuation of the United Nations Joint Staff Pension Fund: report of the Actuary (A/2190, A/2285)

10. The CHAIRMAN drew attention to the Actuary's report on the valuation of the Fund as at 31 December 1951 (A/2190).

11. The Actuary's report had been reviewed by the Advisory Committee in accordance with a request made by the Fifth Committee earlier in the session and the Advisory Committee's observations were contained in paragraphs 9 to 14 of its report (A/2285).

12. He proposed that the Committee should recommend the following draft resolution for adoption by the General Assembly:

"The General Assembly

"1. Takes note of the report of the United Nations Joint Staff Pension Board on the second actuarial valuation of the Fund as of 31 December 1951;

"2. Takes note of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions."

The draft resolution was adopted by 43 votes to none.

(c) Amendments to the regulations for the United Nations Joint Staff Pension Fund: report of the United Nations Joint Staff Pension Board (A/2203, A/2285)

13. The CHAIRMAN said that the United Nations Joint Staff Pension Board had submitted to the General Assembly a further report (A/2203) proposing a series of amendments to the present regulations of the Fund which, as many members of the Fifth Committee would recall, had been adopted by the General Assembly at its third session in 1948 (resolution 248 (III)). The amendments suggested had been examined by the Advisory Committee, whose comments would be found in paragraphs 15 to 28 of its report (A/2285). It would be noted that the Advisory Committee had confined its observations to points of major importance since the proposed amendments as a whole represented the agreed views of all the organizations members of the Fund.

14. Mr. BRENNAN (Australia), speaking as Rapporteur of the United Nations Joint Staff Pension Board, recalled that when the Fund was established provision had been made for the specialized agencies to join it, and five organizations had since become members. A number of problems of interpretation had arisen since the specialized agencies had joined the Fund as in many respects the formulation of the regulations had not always been suitable to a joint fund. A number of specialized agencies had submitted amendments to the regulations at the Board's second session. Those amendments had been referred to two working parties, one of which had met in New York and the other in Geneva. At the General Assembly's sixth session the two working parties had worked together as a joint working party and had prepared amendments to the regulations covering difficult points, which had then been circulated to the staff pension committee of each member organization. Those committees had considered the suggested amendments and their comments had been thoroughly examined by the Board at its last session. There had been considerable disagreement between the staff pension committees of various member organizations on the exact meaning of certain regulations, and the Board's report (A/2203) contained suggestions as to how the regulations might be amended.

15. Although the Actuary had not expressed an opinion concerning the actuarial consequences of the amendments proposed in document A/2203, if he were asked he would probably say that the amendments suggested would not materially affect the actuarial valuation of the Fund as at 31 December 1951.

16. He then briefly reviewed the amendments suggested to articles 11 and 16.

17. Mr. HSIA (China) said that his delegation did not fully understand the implications of the proposed deletion of article 11 and unless there were other reasons which were not apparent, it required further explanation. The Advisory Committee's comment in paragraph 19 of its report appeared highly pertinent and the Board's concern to maintain the social protection to participants and their families afforded by membership in the Fund would not seem to be sufficient to warrant the deletion of article 11. Furthermore, if deletion of the article was approved, the action to be taken in cases of summary dismissal should be specifically stated elsewhere.

18. The CHAIRMAN directed the Chinese representative's attention to the suggestion of the Advisory Committee (A/2285, para. 20) that in the event that the General Assembly approved the proposed amendment, consideration might be given to the possible adoption of measures to ensure that any additional payment, over and above the contributions of the staff member, would in fact accrue to the benefit of his family.

19. Mr. VAN ASCH VAN WIJCK (Netherlands) also felt the need for further clarification. As the Chairman had just pointed out, the Advisory Committee mentioned the possible need for measures to govern any additional payment. Yet, if he had understood the Rapporteur correctly in his review, any staff member summarily dismissed would be entitled simply to the same benefits as he would have received on resignation. If that was so, was there any need to consider such measures?

20. Sir William MATTHEWS (Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions) explained that the effect of the Board's proposal would be to place a participant dismissed for serious misconduct on the same footing as one honourably discharged. As article 11 stood, the regulations were clear and moreover allowed a participant summarily dismissed to be penalized by returning to him only his own contributions to the Fund together with interest.

21. In proposing deletion of the article, the Pensions Board had been concerned with the social position of the man and his family. Should its view prevail, the Advisory Committee felt that measures should be taken to ensure that any contributions by the Organization were in fact secured to the benefit of the family.

22. Mr. BRENNAN (Australia), speaking as Rapporteur of the Joint Staff Pension Board, said that the Board had considered summary dismissal to be a very serious punishment in itself and had questioned the need to extend disciplinary action to deprive the participant of the benefits of a scheme set up for his social protection. The provisions of article 10, governing withdrawal benefits, were adequate from the standpoint of social protection but article 11 would discriminate

against any staff member who might be summarily dismissed after completion of more than five years' service. After giving years of good service, he would lose the benefits of the lump-sum payment provided for in article 10.

23. To the best of his recollection, there had been no discussion in the Pensions Board on the point raised by the Advisory Committee, in paragraph 20 of its report, with regard to ensuring that any additional payment directly benefited the participant's family. The Committee might wish to refer that suggestion to the Board for its consideration.

24. Mr. WILEY (United States of America) had listened to the discussion with great interest and had come to the conclusion that the question was important enough to require further consideration. It would be unwise, in view of the many moral, legal and social issues involved, to take a hasty decision. He therefore suggested that the matter might be referred back to the Pensions Board for further consideration in the light of the Advisory Committee's recommendations.

25. Mr. LIVERAN (Israel) welcomed the United States representative's suggestion which entirely accorded with his own views. The two divergent opinions before the Committee alone served to illustrate the many fundamental issues raised by the problem. From the legal standpoint, before it could be decided whether the regulation should be retained or deleted, the Committee would first have to investigate the legal status of the scheme as a whole, with particular reference to such matters as the exact date of the participant's entitlement to benefit. Questions of that nature had troubled national legislations for many years and, in view of their significance for the United Nations and the precedent that might be set for other international, and possibly national, bodies, they should be very carefully studied. The report (A/2203) referred to the fact that many national pension schemes contained no such provisions as those laid down in article 11, but did not indicate how schemes having similar regulations dealt with the matter or the underlying reasons for the policy pursued in either case.

26. Mr. M. I. BOTHA (Union of South Africa) suggested that the purpose of the United States representative's proposal would be equally served by a decision not to delete article 11 at the present time. That would leave it open to the Pensions Board to reconsider the matter and make further proposals the following year.

27. Mr. FRIIS (Denmark) observed that the points raised by the United States and Israeli representatives needed exploration and might also be referred to the Pensions Board. The whole matter was of such importance that there would seem to be little objection to maintaining the existing regulation for a further year.

28. The CHAIRMAN put to the vote the proposal that the recommendation of the Joint Staff Pension Board to delete article 11 should be referred back to the Board for further consideration in the light of the Advisory Committee's observations thereon and of the discussion in the Committee.

The proposal was approved by 35 votes to none, with 6 abstentions.

29. The CHAIRMAN then drew attention to the amendments to article 16 (leave without pay for mili-

tary service). The Advisory Committee's observations would be found in paragraphs 21 to 24 of its report (A/2285).

30. The Advisory Committee did not oppose the adoption of the proposed amendments on a provisional basis but recommended that a review of basic personnel policy with respect to leave without pay for military service should be undertaken by the Administrative Committee on Co-ordination for report to the next session of the General Assembly.

31. Mr. BRENNAN (Australia), speaking as Rapporteur of the Joint Staff Pension Board, observed that article 16 of the regulations had been more fully discussed by the Board than any other question. He fully reviewed the various viewpoints and arguments advanced, as set out in the annex to the Board's report. No measure of unanimity had been achieved in the Board either on the question of the entitlement of participants under existing regulations or on the degree of entitlement to be established. There had also been wide disagreement regarding entitlement and the actuarial implications of extending coverage to participants on military service. Many members of the Board had thought that the Actuary had been unduly pessimistic in his views and that it might not be entirely satisfactory to take the experience of the United States as applicable to an international civil service.

32. The final recommendations for amendments to article 16 of the regulations which he explained in detail were set out in paragraph 4 of the annex. He would be happy to give any further information that might be desired.

33. Mr. O. L. WILLIAMS (United Kingdom) stated that the United Kingdom delegation agreed with the Advisory Committee's view that the problem of personnel policy at issue required further study which might be undertaken by the Administrative Committee on Co-ordination. He therefore wondered whether the same course might not be followed in respect of article 16 as has been taken for article 11, namely, that the existing text should be maintained pending receipt of a further report the following year in accordance with the Advisory Committee's recommendation.

34. Mr. HALL (United States of America) endorsed the United Kingdom representative's remarks.

The United Kingdom proposal was approved by 36 votes to none, with 6 abstentions.

35. The CHAIRMAN said that the next major amendment related to article 27 (administrative expenses); the Advisory Committee's comments were set out in paragraph 25 of its report (A/2285).

36. The Advisory Committee suggested that the amendment proposed by the Board might be adopted and that its own recommendation to charge administrative expenses to the Fund itself should be referred to the Board for consideration at its next session and report to the eighth session of the General Assembly.

37. Sir William MATTHEWS (Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions) merely wished to point out that the Advisory Committee, in its first report to the seventh session of the Assembly (A/2157, para. 237) gave the cost of administering the Pension Fund regulations as

\$80,560. In its twenty-fourth report (A/2285), however, the figure was given as \$50,000-\$55,000. That was because the 1953 budget document did not break down the estimates as between the United Nations Joint Staff Pension Board and the United Nations Staff Pension Committee.

38. The CHAIRMAN put to the vote the amendment to article 27 proposed by the Joint Staff Pension Board, it being understood that the Advisory Committee's recommendation would be referred to the Board.

The amendment to article 27 was adopted by 40 votes to none, with 1 abstention.

39. Mr. HSIA (China) had been led to abstain solely because of the form in which the revised article had been drafted. He felt it inappropriate in what was intended to be a permanent regulation to include a permissive provision such as that set out in italics.

40. Mr. BRENNAN (Australia), speaking as Rapporteur of the Joint Staff Pension Board, explained that the purpose of the section referred to was to enable the cost of administering the Pension Board to be shared among all the member organizations instead of as hitherto being borne in full by the United Nations budget. The actual arrangements to that end had been regarded as a purely administrative matter which might safely be left for subsequent negotiation; that explained the form of the text.

41. The CHAIRMAN then directed attention to the proposed new article 38 (termination of membership of a member organization). The Advisory Committee's observations appeared in paragraph 26 of its report (A/2285). The Advisory Committee considered that the inclusion of the article was neither necessary nor appropriate and therefore recommended its deletion.

42. Mr. BRENNAN (Australia), speaking as Rapporteur of the Joint Staff Pension Board, said that the new article had been suggested by the Board solely because many of the member organizations felt that the interests of the participants in their previous independent pension schemes made it desirable that the regulations should include provisions governing the termination of membership of a member organization and the dissolution of the Fund.

43. Mr. HALL (United States of America) suggested that an appropriate way of dealing with the matter would be to ask the Pensions Board to reconsider the need for maintaining or redrafting sections (a) and (b) of the new article in the light of the Advisory Committee's observations. With regard to section (c), the United States delegation agreed with the Advisory Committee that it was unnecessary and would vote for its deletion.

44. Mr. VAN ASCH VAN WIJCK (Netherlands) said it might be useful to hear the views of the Governing Body of the International Labour Organisation, in view of its expressed interest in the article, and proposed that the ILO representative should be heard on the point.

It was so decided.

45. Mr. METALL (International Labour Organisation) said the Governing Body was interested in article 38 for two reasons. Firstly, it wished to see included in the regulations an article which would avoid the com-

plications that had confronted the ILO in administering the League of Nations Pension Fund, transferred to it after the dissolution of the League. The ILO Pension Fund now covered former members of the League of Nations and of the Permanent Court of International Justice.

46. Secondly, the ILO had joined the United Nations Joint Staff Pension Fund after it had been agreed that an article similar to article 38 would be included in the Fund's regulations.

47. The Governing Body's concern was not dictated by any fears that the United Nations or its organs might be dissolved, but was based on the desire to proceed in an orderly fashion.

48. Mr. BRENNAN (Australia), speaking as Rapporteur of the United Nations Joint Staff Pension Board, said with regard to the United States proposal that as the issue raised in paragraph 26 of the Advisory Committee's report (A/2285) had already been discussed by the Pension Board it would serve no useful purpose to refer article 38, paragraphs (a) and (b), back to the Board.

49. With regard to article 38, paragraph (c), the Pension Board had realized that *ad hoc* measures would have to be taken, but it thought that something should be included in the regulations to cover the contingency.

50. Speaking as the representative of Australia, he said that his delegation agreed with the Pension Board's views in the matter. It thought that the Committee should proceed immediately to vote on article 38. It would support article 38, paragraph (c).

51. Two basic principles were set forth in article 38, paragraph (a), namely, that termination of membership in the Pension Fund of a member organization should be subject to approval by the General Assembly of the United Nations and that it should be dependent upon a recommendation of the United Nations Joint Staff Pension Board. There should be no difficulty in approving those principles.

52. Article 38, paragraph (b), set forth the overriding principles relating to the termination of membership and the Australian delegation would therefore vote in its favour. It had the same position on article 38, paragraph (c), namely, that those were governing principles which should be observed in effecting any *ad hoc* arrangements.

53. The CHAIRMAN thought that in view of the comments of the Rapporteur of the Pension Board little would be accomplished by referring article 38, paragraphs (a) and (b), back to the Board.

54. Mr. GANEM (France) said that while he respected the views of the ILO's Governing Body, even greater attention should be paid to the provisions of the Charter, a document which did not contemplate the dissolution of a United Nations organ. Article 38, paragraph (c), would establish an exceedingly unfortunate precedent and his delegation would therefore vote against it. Furthermore, paragraphs (a) and (b) might be dangerous and the French delegation would therefore vote against article 38 as a whole.

55. The CHAIRMAN put to the vote article 38, paragraphs (a) and (b).

Article 38, paragraphs (a) and (b), were adopted by 11 votes to 7, with 26 abstentions.

56. The CHAIRMAN put to the vote article 38, paragraph (c).

Article 38, paragraph (c), was rejected by 13 votes to 4, with 27 abstentions.

57. Mr. BRENNAN (Australia), speaking as Rapporteur of the United Nations Joint Staff Pension Board, interpreted the Fifth Committee's discussion and vote on article 38, paragraph (c), to mean that it was not opposed to the provision in substance but felt that it was inappropriate in the regulations. The decision would not preclude the Board from following the principles laid down in article 38, paragraph (c), in any *ad hoc* arrangements which might be made.

That interpretation was accepted.

58. The CHAIRMAN drew attention to the amendments proposed to articles 7, 8 and 12.

59. Mr. ISNOR (Canada) said his Government had no objection to the amendments proposed to articles 7, 8 and 12, if paragraph 28 of the Advisory Committee's report (A/2285) were amended to read "without adversely affecting its actuarial position."

60. Sir William MATTHEWS (Acting Chairman of the Advisory Committee on Administrative and Budgetary Questions) accepted the amendment to paragraph 28 of the Advisory Committee's report.

61. Mr. BRENNAN (Australia), speaking as Rapporteur of the United Nations Joint Staff Pension Board, said he understood that the Actuary did not feel that the amendments would adversely affect the Fund and that he had no serious objections to the amendments proposed to articles 7, 8 and 12.

62. Speaking as the representative of Australia, he drew attention to paragraph 27 of the Advisory Committee's report alleging, in regard to article 7, that no provision was made in the existing articles "for payment to a participant's estate, where no beneficiary has been designated". He disagreed with that observation as he thought the point was covered elsewhere in the regulations. He proposed therefore that the Fifth Committee should approve the amendments to articles 7, 8 and 12, referring the comment in the Advisory Committee's report to the Pension Board for further consideration.

It was so decided.

63. Mr. BRENNAN (Australia) drew attention to the amendment to article 4, paragraph (a) reading "subject to the provisions of article 16, a participant who reaches the age of sixty shall, upon retirement, be entitled . . .". The effect of the first phrase would be that a person on leave without pay at the time he reached the age of sixty would not be eligible for a retirement benefit. That seemed an inequitable arrangement. The occasions when persons of that age—probably deserving cases—would be placed on leave without pay would undoubtedly be limited. His delegation thought that all persons of sixty years of age should be entitled to a retirement, in preference to a withdrawal benefit. For that reason he suggested that the words "subject to the provisions of article 16" in article 4 should be deleted.

Mr. Friis (Denmark), Vice-Chairman, took the Chair.

64. Mr. O. L. WILLIAMS (United Kingdom) thought the Australian representative had raised a technical issue which should be referred to the Advisory Committee for an opinion.

65. Mr. BRENNAN (Australia) did not agree that the issue was complex. The number of persons on leave without pay was usually very limited and only a small percentage would be about sixty years of age. Accordingly, the cases covered by article 4 as amended would be exceptional. The actuarial implications of his amendment would not be very great.

66. Mr. ISNOR (Canada) had no objection to the Australian amendment, but as the Fifth Committee was not composed of experts on the subject he would like to have that suggestion put before it by the Pension Board.

67. Mr. ZARUBIN (Union of Soviet Socialist Republics) said that while he did not disagree with the Australian amendment he endorsed the United Kingdom representative's view that the Committee should not act hastily in introducing amendments to the Pension Fund regulations. He would prefer to have the Australian amendment referred to the appropriate body for further study.

68. In reply to the CHAIRMAN, Mr. ISNOR (Canada) said he thought it would be better to refer the amendment first to the Pension Board, which would forward the matter in due course to the Advisory Committee.

69. In reply to Mr. O. L. WILLIAMS (United Kingdom), Mr. BRENNAN (Australia), speaking as the Rapporteur of the United Nations Joint Staff Pension Board, said that the issues involved in the Australian amendment had been touched on in the Board during the debate on the amended article 16 where it had excluded a retirement benefit in certain cases. If it reviewed that specific issue its views might be unchanged.

70. As the Australian amendment related to what would be an exceptional case, which might not confront the Board in 1953, he suggested that the Fifth Committee should permit the Board to deal with the matter and report back to the Committee at its forthcoming session.

71. Mr. O. L. WILLIAMS (United Kingdom) said that he would agree to that procedure on the understanding that if the Board decided to submit an amendment on the lines proposed by the Australian representative it would be forwarded to the Advisory Committee for consideration.

72. The CHAIRMAN noted the United Kingdom representative's observation and assured him that all amendments would be dealt with under the customary procedures.

73. Mr. BRENNAN (Australia) noted that apparently the general feeling was that since the Fifth Committee had not adopted the Board's proposed amendments to article 16, it was unnecessary to include in articles 4, 5 and 7 the words "subject to the provisions of article 16", which the Pension Board had of course intended to mean article 16, as amended.

74. Speaking as the Rapporteur of the United Nations Joint Staff Pension Board, he suggested that as the amended article 16 had not been accepted, certain other amendments proposed by the Pension Board might be unnecessary. It might expedite matters if the Fifth Committee authorized him, in consultation with the Chairman and Secretary of the Board, to make the necessary drafting changes in the regulations arising out of the Committee's action on article 16.

75. Mr. ZARUBIN (Union of Soviet Socialist Republics) was opposed to any hasty decisions and would still favour the original Canadian and United Kingdom proposals to refer the Australian amendment to the appropriate bodies.

76. Mr. BRENNAN (Australia) withdrew his amendment because, as a result of the Committee's action on article 16, the question of substance involved would not arise.

77. The CHAIRMAN thought that inevitably the Committee's decisions would entail certain drafting amendments to the regulations. The substance of the issue involved in the Australian amendment would, however, be considered by the Pension Board and the Advisory Committee, whereupon the matter would again be put before the Fifth Committee.

78. Mr. O. L. WILLIAMS (United Kingdom) said that if the Chairman's interpretation was correct he would endorse the proposal to permit the Rapporteur to make the necessary drafting changes in the regulations, particularly as they would be before the Fifth Committee again for a final reading.

79. Mr. DAVIN (New Zealand) also said that his delegation would agree to authorizing the Rapporteur to make any editorial changes in the regulations arising out of the Committee's action on article 16, especially as the regulations would come before the Committee again in their final form.

80. The CHAIRMAN put to the vote the recommendation that, subject to the Committee's decision with respect to articles 11, 16 and paragraph (c) of article 38 and subject to drafting changes, the amendments to the regulations of the United Nations Joint Staff Pension Fund as recommended by the Joint Staff Pension Board should be approved.

The recommendation was adopted by 42 votes to none.

81. The CHAIRMAN proposed, with regard to paragraph 9 of the Pension Board's report (A/2203), that if there were no objections the Fifth Committee should recommend that any amendments to the regulations approved by the General Assembly should go into effect on 1 January 1953.

It was so decided.

Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly (continued)

[Item 44]*

(f) United Nations Staff Pension Committee (A/2149, A/C.5/L.207)

82. The CHAIRMAN described the current position regarding membership on the United Nations

Staff Pension Committee. The terms of office of the three existing members and the three alternates would expire on 31 December 1952 and accordingly the Fifth Committee must recommend the names of six persons to fill the resulting vacancies.

83. Nominations had been received and the relevant information had been circulated to the Committee in the Secretariat note (A/C.5/L.207). The members of the Committee were, of course, free to vote for anyone they pleased and were not obliged to limit their choice to the persons whose names appeared on the list circulated.

84. He proposed that the Committee should proceed to vote by secret ballot. Alternative procedures, however, could be followed. The Committee could vote on the first ballot for six individuals and the three receiving the largest number of votes, subject to their receiving the required majority, would then be recommended for appointment as members and the three receiving the next largest number of votes, also subject to their obtaining the required majority, would be recommended for appointment as alternate members.

85. Alternatively, the Committee could have a first ballot for the purpose of electing the three persons to be recommended for appointment as members, and a separate ballot to select the three persons to be recommended for appointment as alternate members. The first alternative had been followed at the fourth session of the General Assembly but there were no rules of procedure intended to apply specifically to the elections in question, and the Committee was therefore competent to act as it saw fit in the question of procedure.

86. Mr. HALL (United States of America) pointed out that in practice there was little difference between the members and alternate members of the Staff Pension Committee, as they functioned more or less interchangeably. Accordingly, he proposed that the first alternative outlined by the Chairman should be adopted.

87. Mr. VAN ASCH VAN WIJCK (Netherlands) suggested that there might be less confusion if the Committee adopted the second procedure described by the Chairman.

88. Mr. HALL (United States of America) withdrew his proposal.

89. The CHAIRMAN said that accordingly separate ballots would be taken to determine the members and the alternate members to be recommended for appointment to the Staff Pension Committee.

90. He requested the Committee to proceed to elect candidates to fill the three vacancies for members of the United Nations Staff Pension Committee.

A vote was taken by secret ballot.

At the invitation of the Chairman, Mr. Pachachi (Iraq) and Mr. Hagberg (Sweden) acted as tellers.

Number of ballot papers:	50
Number of abstentions:	1
Number of invalid ballots:	1
Number of valid ballots:	49
Required majority:	25

Number of votes obtained:

Mr. Forteza (Uruguay)	32
Mr. Kia (Iran)	18
Mr. Cristobal (Philippines)	18
Mr. Brennan (Australia)	17
Mr. Clough (United Kingdom)	16
Mr. Irons (United States of America) ..	14
Mr. Ordonneau (France)	10
Mr. de Holte Castello (Colombia)	4
Mr. Klimov (USSR)	4

Having obtained the required majority, Mr. Forteza (Uruguay) was recommended for appointment as a member of the United Nations Staff Pension Committee.

91. The CHAIRMAN pointed out that as the Committee was engaged in forwarding recommendations for appointments it was not compelled to follow rule 94 of the rules of procedure, according to which, if the number of candidates obtaining the majority required was less than the number of persons or Members to be elected, there should be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled.

92. While the Committee could proceed to a fresh ballot which would not be governed by the provisions of rule 94, he suggested that it would obviate any possible confusion if the ballot was taken under rule 94. If there were no objections, therefore, he would proceed accordingly.

It was so decided.

93. Mr. BRENNAN (Australia) felt some difficulty as regards the procedure to be adopted. By adhering to precedent the Committee might be giving undue weight to previous practices. There was so little difference in practice between the functions of members and alternate members of the Staff Pension Committee that he would be prepared to stand as an alternate member, only, however, if that would expedite matters.

94. The CHAIRMAN thought the procedure suggested by the Australian representative might complicate the issue. In voting, however, the Committee could bear the Australian representative's comments in mind.

95. He requested the Committee to proceed to elect two candidates to fill the two vacancies for members on the United Nations Staff Pension Committee, the nominations being confined to Mr. Kia (Iran), Mr. Cristobal (Philippines), Mr. Brennan (Australia), and Mr. Clough (United Kingdom).

A vote was taken by secret ballot.

At the invitation of the Chairman, Mr. Pachachi (Iraq) and Mr. Hagberg (Sweden) acted as tellers.

Number of ballot papers:	44
Number of abstentions:	1
Number of invalid ballots:	2
Number of valid ballots:	42
Required majority:	21

Number of votes obtained:

Mr. Brennan (Australia)	21
Mr. Kia (Iran)	19
Mr. Cristobal (Philippines)	19
Mr. Clough (United Kingdom)	14

Having obtained the required majority, Mr. Brennan (Australia) was recommended for appointment as a member of the United Nations Staff Pension Committee.

96. The CHAIRMAN requested the Committee to proceed to elect one candidate to fill the vacancy for a member on the United Nations Staff Pension Committee, the nominations being confined to Mr. Kia (Iran) and Mr. Cristobal (Philippines).

A vote was taken by secret ballot.

At the invitation of the Chairman, Mr. Pachachi (Iraq) and Mr. Hagberg (Sweden) acted as tellers.

<i>Number of ballot papers:</i>	44
<i>Number of abstentions:</i>	1
<i>Number of invalid ballots:</i>	1
<i>Number of valid ballots:</i>	43
<i>Required majority:</i>	22

Number of votes obtained:

Mr. Cristobal (Philippines)	23
Mr. Kia (Iran)	19

Having obtained the required majority, Mr. Cristobal (Philippines) was recommended for appointment as a member of the United Nations Staff Pension Committee.

97. Mr. GANEM (France) said that Mr. Ordonneau had agreed to stand for election to the United Nations Staff Pension Committee in a desire to assist the United Nations. He had many other duties, however, in his capacity as Chairman of the United Nations Conciliation Commission for Palestine and wished therefore to withdraw his name from the list of candidates for appointment to the United Nations Staff Pension Committee.

98. The CHAIRMAN suggested that as there were only three candidates for the three vacancies it might not be necessary to proceed to a formal vote by secret ballot.

99. In reply to Mr. DAVIN (New Zealand), Mr. TURNER (Secretary of the Committee) said that there were many precedents for such a procedure. The Committee had elected persons to office by acclamation on several occasions. If the Committee wished to do so in the present case, therefore, there was ample legal basis for its action.

100. Mr. KIA (Iran) thought the Committee's decision would have more legal force and that there would be less likelihood of confusion if the vote were taken by secret ballot as had been done in the case of the appointment of the members of the United Nations Staff Pension Committee.

101. The CHAIRMAN requested the Committee to proceed to elect three candidates to act as alternate members of the United Nations Staff Pension Committee.

A vote was taken by secret ballot.

At the invitation of the Chairman, Mr. Pachachi (Iraq) and Mr. Hagberg (Sweden) acted as tellers.

<i>Number of ballot papers:</i>	40
<i>Number of abstentions:</i>	1
<i>Number of invalid ballots:</i>	1
<i>Number of valid ballots:</i>	39
<i>Required majority:</i>	20

Number of votes obtained:

Mr. Irons (United States of America) ..	36
Mr. Kia (Iran)	35
Mr. Clough (United Kingdom)	35

Having obtained the required majority, Mr. Irons (United States of America), Mr. Kia (Iran) and Mr. Clough (United Kingdom) were recommended for appointment as alternate members of the United Nations Staff Pension Committee.

The meeting rose at 1.40 p.m.