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Chairman: Mr. T. A. STONE (Canada).

Reports of the Rapporteur (A/2080, A/2081)

1. The CHAIRMAN, referring to discussions at the 336th meeting, said that, as the draft resolutions adopted by the *Ad Hoc* Political Committee on the question of the Conciliation Commission for Palestine and assistance to Palestine refugees and by the Second Committee on the question of the establishment of a United Nations Tribunal for Eritrea were being considered by the plenary meeting of the General Assembly that morning, there had been no alternative but to issue the reports of the Rapporteur of the Fifth Committee as General Assembly documents rather than to submit them initially in draft form for the approval of the

Fifth Committee. He hoped that, in the circumstances, members would appreciate the fact that there was no feasible alternative to the course followed and that the Committee would approve the action taken.

2. Copies of the Rapporteur's reports (A/2080, A/2081) on the financial implications of the draft resolutions relating to Palestine, as adopted by the *Ad Hoc* Political Committee and the draft resolution relating to Eritrea, as adopted by the Second Committee, were before the Committee. He suggested that, if any representatives had specific comments, he should pass them directly to the Rapporteur with a view to the necessary corrections being made in the final records of the session.

Budget estimates for the financial year 1952: (a) Budget estimates prepared by the Secretary-General (A/C.5/484, A/C.5/485, A/C.5/486, A/C.5/487, A/C.5/490); (b) Reports of the Advisory Committee on Administrative and Budgetary Questions (A/2048, A/2056, A/2064, A/2073, A/2074)

[Item 41]*

Part I, section 1, (chapter VIII): revised estimates for the impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas

3. The CHAIRMAN drew the Committee's attention to the Secretary-General's report (A/C.5/484) and to the ninth report of 1952 of the Advisory Committee on Administrative and Budgetary Questions (A/2048) and pointed out that as a result of the change in the itinerary of the proposed commission the Secretary-General considered that the provision to be made for the commission in the 1952 budget should be limited to \$17,100 and that any additional funds needed should be provided from the Working Capital Fund. The Advisory Committee supported that proposal and recommended for approval the provision of \$17,100 under section 1, chapter VIII of the 1952 budget, together with a corresponding reduction in the appropriation provisionally approved for section 33 (Investigations, inquiries and other activities).

4. Mr. MACHADO (Brazil) could not agree with any proposal which might prejudice a change in the proposed commission's itinerary or affect the choice of the commission's headquarters. He supported the Advisory Committee's recommendation.

5. Mr. CHECHETKIN (Union of Soviet Socialist Republics) said that his delegation had objected to the inclusion of the item now being considered by the Fifth Committee in the agenda of the General Assembly's sixth session. The holding of elections in Germany was a matter of domestic jurisdiction and the commission contemplated in General Assembly resolution A/L.12 would not be competent to deal with such a question. He would therefore vote against the appropriations requested.

6. The CHAIRMAN put to the vote the Advisory Committee's recommendations that the sum of \$17,100 should be approved under section 1, chapter VIII of the 1952 budget, together with a corresponding reduction in the appropriations provisionally approved for section 33, and that any additional funds needed should be provided from the Working Capital Fund.

The Advisory Committee's recommendation was adopted by 23 votes to 5, with 4 abstentions.

Part I, section 3, chapter XVI: Group of Experts on Road Signs and Signals

7. The CHAIRMAN said that, as the Secretary-General's report (A/C.5/486) stated, the Group of Experts on Road Signs and Signals would have to hold a third session at Headquarters during 1952 in order to complete the work entrusted to it by the Economic and Social Council by its resolution 272 (X). No provision had been made for that purpose in the original 1952 budget estimates since at the time they were prepared it had been expected that the Group would have completed its work in 1951.

8. The actual expenditure for the 1950 session at Headquarters amounted to \$9,500 and on that basis the Secretary-General requested that approximately the same amount should be appropriated for 1952.

9. The Advisory Committee, in its tenth report of 1952 (A/2056), recommended approval of the provision of \$9,970 under section 3, chapter XVI of the 1952 budget, together with a corresponding reduction in the appropriation provisionally approved for section 33.

The Advisory Committee's recommendation was adopted by 29 votes to none, with 5 abstentions.

Part I, section 3, chapter XV: Ad Hoc Committee on Forced Labour

10. The CHAIRMAN drew the Committee's attention to the Secretary-General's report on the 1952 plan of work of the *Ad Hoc* Committee on Forced Labour (A/C.5/485) and to the eleventh report of the Advisory Committee for 1952 (A/2064).

11. The Secretary-General had proposed a total provision of \$98,400 under section 3, chapter XV of the 1952 budget, to cover expenses relating to the *Ad Hoc* Committee's activities. In view of arrangements which had since been concluded with the International Labour Organisation, which would now bear 50 per cent of the cost, the Secretary-General proposed that the provisions to be made should be limited to the amount already appropriated in the 1952 budget, i.e., \$64,200. For the purpose of consolidating all expenditures for the *Ad Hoc* Committee the Secretary-General further proposed a transfer of \$9,500 from section 11 to section 3 (Department of Social Affairs Temporary assistance).

12. Should the *Ad Hoc* Committee decide to extend its investigations during the year the Secretary-General suggested that he should be authorized to draw, if necessary, an amount not exceeding \$72,000 from the Working Capital Fund.

13. Subject to certain observations in paragraph 5 of its eleventh report for 1952, the Advisory Committee concurred in the Secretary-General's proposals and recommended the addition of a sub-paragraph (d) to the resolution on unforeseen and extraordinary expenditures adopted by the General Assembly (A/L.22) on 21 December 1951. The proposed new sub-paragraph was given in paragraph 6 of the Advisory Committee's report (A/2064).

14. Mr. CHECHETKIN (Union of Soviet Socialist Republics) said he would have to vote against the

* Indicates the item number on the General Assembly agenda.

appropriations requested by the Secretary-General and the recommendation of the Advisory Committee since the *Ad Hoc* Committee was not a representative body, trade unions not being represented. It was not therefore in a position to come to any satisfactory solution of the question at issue.

The Advisory Committee's recommendation was adopted by 31 votes to 5.

Part I, section 1, chapter IV: Revised estimates for the International Law Commission

15. The CHAIRMAN recalled that the International Law Commission had proposed that its fourth session should be held in Geneva and should last some ten weeks (A/1858). As the estimates already approved by the General Assembly for the Commission had provided for a session at Headquarters, the Secretary-General considered that it would be necessary to increase the appropriation for 1952 by \$13,000 to cover the travel and subsistence costs of eight staff members to service the session. That increase would be partly offset by savings in the travel costs of members of the International Law Commission and by the reduction of the anticipated duration of the session from eleven to ten weeks.

16. In its fourteenth report of 1952 (A/2073) the Advisory Committee believed that it should be sufficient to assign four staff members to service the Commission and had accordingly recommended that the appropriation for section 1, chapter IV should be maintained at the figure recommended by the General Assembly, \$59,100. It had also suggested that the estimated savings resulting from the transfer of the session from Headquarters to Geneva and from the reduction in its length should be sufficient to cover the travel and subsistence of staff detailed from Headquarters.

17. Mr. CHECHETKIN (Union of Soviet Socialist Republics) called special attention to sub-paragraphs (i) and (ii) of paragraph 5 of the Advisory Committee's report. According to information he had before him, the International Law Commission had never sat for more than three and a half hours and had on an average sat for three hours daily during its 1951 session, which had lasted ten and a half weeks. It had never met in the afternoon. No other organ of the United Nations worked at so slow a tempo. If it had met twice daily on only two days a week, the Commission's work could have been done in a period of eight weeks. The session of ten weeks proposed for 1952 was too long and the Advisory Committee's recommendation that more meetings should be held with a view to reducing the duration of the session was fully justified.

18. He was also in complete agreement with the Advisory Committee's observation that, in view of the eminence of the Commission's members, it should not normally require assistance from highly qualified members of the Secretariat.

19. For those reasons, he proposed that the appropriation for section 1, chapter IV already approved by the General Assembly should be reduced by \$10,000 to provide for a session of only eight weeks.

20. Mr. MENDEZ (Philippines) pointed out that the revision of the statute of the International Law Com-

mission had been discussed in the Sixth Committee (295th and 296th meetings), which had taken the view that the Commission's achievements could not be measured by the number of meetings it had held, as the USSR representative had implied. The Commission met in the mornings to discuss questions at a very high level, while the remainder of its time might have to be spent on research work.

21. Mr. MACHADO (Brazil) said that, in his delegation's opinion, sessions of United Nations organs should wherever possible be held at Headquarters; his delegation would therefore have been in favour of holding the International Law Commission's next session in New York.

22. He agreed with the Philippine representative that the Commission's work could not be assessed in terms of statistics. In view of the complexity of the problems before it, it was doubtful whether a session of twice the length proposed would enable it to complete its task. He could not therefore support the USSR representative's proposal for a reduction in the appropriation recommended by the Advisory Committee.

23. He supported the recommendation in sub-paragraph (iii) of paragraph 5 of the Advisory Committee's report. Having regard to the eminence of the Commission's members and of the fact that questions of particular difficulty were referred to rapporteurs, who were members of the Commission, the latter should require a relatively limited amount of assistance from the Secretariat. The Advisory Committee's recommendation regarding the number of staff to be detailed from Headquarters could be adopted without detriment to the Commission's work.

24. Mr. GANEM (France) agreed with the Philippine and Brazilian representatives. He could not support any proposal to reduce the appropriation for the International Law Commission below the figure recommended by the Advisory Committee, which he regarded as the maximum reduction possible. The members of the International Law Commission were outstanding representatives of their profession and should be treated as such. He would have been ready to vote for an intermediate figure between the proposals of the Secretary-General and the Advisory Committee, but, since the latter proposal seemed likely to command acceptance, he was prepared to support it.

25. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) explained that, while the International Law Commission had admittedly not held afternoon meetings, its afternoons had not been idle; much work had then been done by the Commission's sub-committees.

26. In its report on the work of its third session (A/1858, para. 67) the International Law Commission had requested that it should be converted into a full-time commission on the ground that it could not otherwise complete its work on the codification of international law at an early date. That request had not received the Sixth Committee's support and the matter had been adjourned *sine die* (A/2088). Many members of the Sixth Committee had expressed the view that the Commission should and could rely on more rather than less assistance from the Secretariat.

27. Mr. ASHA (Syria) enquired whether, if several high-ranking members of the Legal Department were

needed for the Geneva session, the cost could be met from the budget of that Department.

28. Mr. PRICE (Assistant Secretary-General in charge of the Department of Administrative and Financial Services) said that, if the Advisory Committee's recommendation concerning the number of staff members who should be detailed from Headquarters was adopted, the question raised by the Syrian representative would not arise.

29. The CHAIRMAN put to the vote the USSR representative's proposal that the appropriation of \$59,100 for section 1, chapter IV of the 1952 budget already approved by the General Assembly, should be reduced by the sum of \$10,000.

The USSR proposal was rejected by 21 votes to 5, with 10 abstentions.

30. The CHAIRMAN put to the vote the Advisory Committee's recommendation that the appropriation for section 1, chapter IV of the 1952 budget be maintained at the figure of \$59,100 already approved by the General Assembly.

The Advisory Committee's recommendation was adopted by 33 votes to none, with 5 abstentions.

31. Mr. POLLOCK (Canada) said he had voted for the appropriation recommended by the Advisory Committee for reasons similar to those given by other delegations and because he considered that that appropriation would provide sufficient funds for the International Law Commission's work.

32. As the Canadian representative had stated in the Sixth Committee (297th meeting), the Canadian delegation's vote in favour of the proposal to hold a session of the International Law Commission in Geneva did not imply any departure from its general view that meetings should be held in New York, particularly since the new Headquarters had been completed.

**Part II, section 5a—United Nations Field Service;
Section 16—Department of Administrative and
Financial Services (Security Requirements at
Headquarters for 1952): Revised estimates**

33. In response to a request from Mr. BRENNAN (Australia), the CHAIRMAN proposed that the Committee should postpone its discussion of paragraphs 8 and 9 of the Advisory Committee's report (A/2074). He proposed that the meeting should be suspended until copies of the Advisory Committee's report had been circulated in translation.

The meeting was suspended at 11.55 a.m. and was resumed at 12.25 p.m.

34. The CHAIRMAN proposed that the Committee should consider the revised appropriations for section 5a and section 16 separately. In paragraph 4 of its fifteenth report of 1952 (A/2074) the Advisory Committee had recommended that the total for section 5a should be approved at the revised figure of \$510,000 submitted by the Secretary-General (A/C.5/490, para. 11) and that that amount should be transferred from section 33 of the 1952 budget.

35. Mr. FOURIE (Union of South Africa) recalled his delegation's request for additional information on the

cost of the United Nations Field Service and thanked the Secretary-General for the information given in paragraphs 4, 5, 6 and 7 of his report. He was in complete agreement with the policy at present being followed of using the staff available as flexibly as possible. In small organizations such as missions there was no room for specialization; he was therefore glad to note that members of the Field Service were employed in several capacities with a view to reducing the staff required to the minimum.

36. Mr. CHECHETKIN (Union of Soviet Socialist Republics) said that his delegation opposed the appropriation requested for the Field Service, since, as it had had occasion to indicate on a number of previous occasions, the Field Service had not been envisaged in the Charter and was contrary to its principles.

The Advisory Committee's recommendation in respect of section 5a was adopted by 29 votes to 5.

37. The CHAIRMAN pointed out that in paragraph 6 of its report (A/2074) the Advisory Committee had recommended that the Secretary-General's request for an increase of \$100,000 in the appropriation for section 16 of the 1952 budget be approved.

38. Mr. POLLOCK (Canada), referring to paragraph 7 of the Advisory Committee's report, said that his delegation had constantly drawn the attention of the Administration to the principle of self-insurance. He understood, and the Assistant Secretary-General had given an assurance to that effect, that the matter was kept under continuous review.

39. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) pointed out that in paragraph 7 (ii) of its report the Advisory Committee had urged that full account should be taken of expenditure for guards engaged in fire control duties in negotiating insurance rates. When one considered the possibility of self-assurance for the Headquarters buildings, it must be remembered that the buildings had cost about 22 million dollars and were such a concentrated risk that one fire might cause very great damage.

40. The CHAIRMAN said that the Canadian representative's statement would be noted.

41. Mr. HSIA (China) said that his delegation would vote for the Advisory Committee's recommendation, with one reservation. Since the question of the Field Service had an extremely complex and confusing history, it was desirable that the Secretary-General should work on the assumption that the question had not been finally settled. He should continue to undertake further studies, in consultation with the Advisory Committee, on the relationship between the Field Service and the guards.

42. Mr. CHECHETKIN (Union of Soviet Socialist Republics) said that his delegation was unable to vote for any supplementary appropriation for section 16 for the reasons he had given in regard to the Field Service.

The Advisory Committee's recommendation in respect of section 16 was adopted by 31 votes to 5.

43. Mr. MACHADO (Brazil) suggested that the Committee's further consideration of the matter might be expedited if delegations which had any comments to

make on paragraphs 8 and 9 of the Advisory Committee's report were to submit them beforehand in writing.

44. Referring to section 33 of the budget (Investigations, inquiries and other activities) and its relationship to the section at present under discussion and to items of expenditure still to be considered by the Committee, he felt that a note by the Secretary-General explaining the position might be of assistance to the Committee in taking its decisions. If the necessary expenditure came to less than the present appropriation of \$5,500,000, he thought that the Canadian proposal, adopted at the 329th meeting of the Fifth Committee, to place the difference in a new section of the budget relating to permanent Headquarters construction costs would meet the situation satisfactorily.

45. Mr. PRICE (Assistant Secretary-General in charge of the Department of Administrative and Financial Services) announced that so far as could be seen at present the appropriation of \$5,500,000 was likely to be exceeded by approximately \$150,000, no provision having been included in that amount in respect of additional expenditure for the Office of the High Commissioner for Refugees. The Secretary-General's intention, however, was not to ask for the budget ceiling to be raised, but to obtain the necessary sum by means of transfers or savings on other items.

Financial implications of the resolution adopted by the General Assembly on item 12 of the agenda (A/L.41, A/C.5/488)

46. The CHAIRMAN pointed out that in reporting¹ to the General Assembly on the financial implications of the Fourth Committee's resolution on the Ewe and Togoland unification problem, the Fifth Committee had stated, on the advice of the Advisory Committee (329th meeting), that the implications as given by the Secretary-General in his report (A/C.5/488) had been reasonably estimated.

47. The Secretary-General also had stated in his report that the additional expenditure which might be incurred as a result of the Fourth Committee's resolution might vary between \$41,000, representing the cost of a five-week special mission to the territories of Togoland, and nothing at all if the Trusteeship Council decided to make the visit to Togoland a part of the assignment of the 1952 regular visiting mission, for which the existing appropriation in section 4 of \$50,000 might be sufficient.

48. In the circumstances, the Secretary-General had proposed that in the event of the resolution being adopted by the General Assembly, no additional provision should be made under section 4 of the 1952 budget as already approved, but that he should be authorized to draw from the Working Capital Fund such funds as might be necessary, depending on the eventual decision of the Trusteeship Council, provided that those funds did not exceed \$41,000. He had further suggested that, should that procedure be agreed to, a paragraph should be added to the resolution on unforeseen and extraordinary expenditures, adopted by the General Assembly on 21 December 1951.

¹ The Fifth Committee's report was presented verbally by the Rapporteur at the 361st plenary meeting of the General Assembly.

49. As the Fourth Committee's resolution had now been adopted by the General Assembly, it was for the Fifth Committee to recommend, if it so desired, that the proposed new paragraph should be added to the General Assembly resolution in question.

50. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions), replying to a question by Mr. VAN ASCH VAN WIJCK (Netherlands), referred to the statement he had made on the subject at the 329th meeting, in which he had pointed out that the procedure suggested in the Secretary-General's report (A/C.5/488) would have the advantage of giving the Advisory Committee time to consider carefully how to meet the expenses in question, which would depend on a decision to be taken by the Trusteeship Council at its next session.

The Secretary-General's proposal was adopted unanimously.

Financial regulations of the United Nations (A/1987)

51. The CHAIRMAN said that the Fifth Committee, when considering the permanent financial regulations of the United Nations at the General Assembly's fifth session, had invited the Advisory Committee² to review regulation 4.1 and 5 (d). As regards the former regulation, the Advisory Committee was asked to consider measures that might be taken should a situation develop in which the United Nations found itself in financial difficulties through non-payment of contributions. As regards the latter, the Committee was requested to study the possibility of applying unspent balances of appropriations to arrears.

52. The Advisory Committee had carried out such a review and had reported its conclusions in its sixth report of 1951 (A/1957).

53. Although the question of financial regulations was not on the agenda of the General Assembly's sixth session, he felt that it was desirable and proper that the Fifth Committee should take note of the Advisory Committee's observations and recommendations when it reviewed the general budgetary situation. He therefore drew attention to paragraphs 8 and 9 of the Advisory Committee's report which suggested that any further review of the two financial regulations in question might appropriately be deferred until such time as proposals for the solution of the problems at issue, as they affected certain specialized agencies and in so far as they were amenable to a common solution had been agreed upon by the Administrative Committee on Co-ordination. The latter body was at present studying the formulation of proposals for the establishment of a uniform practice in the matter of surrendering budget surpluses and the funding of arrears. Should a common solution be reached, the Advisory Committee would be in a position to apply it to the contingent situations to which the Fifth Committee had called attention in document A/1496 and would then submit any necessary amendments to paragraph 4.1 and sub-paragraph (d) of paragraph 5.2 of the financial regulations of the United Nations.

² See *Official Records of the General Assembly, Fifth Session, Annexes*, agenda item 41, document A/1496, paras. 8 and 10.

54. He suggested that the Fifth Committee should inform the General Assembly in its report that it supported the Advisory Committee's recommendations.

55. Mr. MACHADO (Brazil) supported the Chairman's suggestion but, in view of the discussions which had taken place on arrears of contributions and the Working Capital Fund, could not accept the statement

in paragraph 8 of the Advisory Committee's sixth report of 1952 that the problem in the case of the United Nations was hypothetical in character.

The Chairman's suggestion was unanimously adopted.

The meeting rose at 12.45 p.m.