



UNITED NATIONS

**ECONOMIC AND
SOCIAL COUNCIL**

OFFICIAL RECORDS

SEVENTEENTH SESSION

30 MARCH — 30 APRIL 1954

ANNEXES

NEW YORK



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ANNEXES

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INTRODUCTORY NOTE

The annexes to the Official Records of the Economic and Social Council are published in separate fascicles, one for each agenda item. The present volume contains the complete series of the annexes to the Official Records of the seventeenth session.

A separate table of contents and a check list of relevant documents are given under each agenda item.

For the agenda of the session and the general check list of all relevant documents, see *Official Records of the Economic and Social Council, Seventeenth Session, Prefatory Fascicle*.

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2	Adoption of the sessional agenda.
3	Economic development of under-developed countries : <ul style="list-style-type: none"> (a) Report of the group of experts on international price relations ; (b) Reports by the Secretary-General under Council resolution 427 (XIV), paragraph 7, and General Assembly resolution 623 (VII) ; (c) International flow of private capital for the economic development of under-developed countries ; (d) Land reform : report by the Secretary-General on the replies of governments to the questionnaire on land reform ; report by the Secretary-General on agricultural co-operation.
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5	Report of the International Bank for Reconstruction and Development.
6	Annual report of the Economic Commission for Asia and the Far East.
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9	Report of the Interim Co-ordinating Committee for International Commodity Arrangements on the question of a study group on steel.
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12	Freedom of information : <ul style="list-style-type: none"> (a) Report of the Rapporteur on Freedom of Information ; (b) Encouragement and development of independent domestic information enterprise ; (b) Production and distribution of newsprint and printing paper : report by the Secretary-General under Council resolution 423 (XIV).
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- 20 Non-governmental organizations :
 - (a) Applications and reapplications for consultative status ;
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- 21 Organization and operation of the Council and its commissions.
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- 23 Confirmation of members of functional commissions of the Council.
- 24 Financial implications of actions of the Council.
- 25 Consideration of the provisional agenda for the eighteenth session of the Council.
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- 27 Draft convention on the enforcement of international arbitral awards.



Agenda item 1: Election of the President and Vice-Presidents for 1954

[No documents.]



 Agenda item 2: Adoption of the sessional agenda

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Document No.	Title	Observations and references
E/2525 and Corr.1 and Add.1 and 2	Provisional agenda for the seventeenth session of the Economic and Social Council—Note by the Secretary-General	<i>Official Records of the Economic and Social Council, Seventeenth Session, Prefatory Fascicle</i>
E/2549	Communication dated 7 February 1954 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations, addressed to the Secretary-General	Mimeographed document only
E/2552	Report of the Council Committee on Non-Governmental Organizations	<i>Official Records of the Economic and Social Council, Seventeenth Session, Annexes, agenda item 27</i>
E/L.575	Annotations of items on the provisional agenda for the seventeenth session of the Economic and Social Council—Note by the Secretary-General	Mimeographed document only
E/L.576	Arrangement of business at the seventeenth session of the Council —Working paper by the Secretary-General	Ditto
E/L.577	Arrangement of business at the seventeenth session of the Council — Communication dated 17 March 1954 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations, addressed to the Secretary-General	Ditto
E/L.582	Australia: draft resolution	Same text as E/RESOLUTION (XVII)/1
E/L.583	Arrangement of business at the seventeenth session of the Council —Revised working paper by the Secretary-General	Mimeographed document only
E/RESOLUTION (XVII)/1	Resolution adopted by the Economic and Social Council at its 757th meeting, on 31 March 1954	<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 530 (XVII)</i>



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SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 3: Economic development of under-developed countries: (a) Report of the group of experts on international price relations; (b) Reports by the Secretary-General under Council resolution 427 (XIV), paragraph 7, and General Assembly resolution 623 (VII); (c) International flow of private capital for the economic development of under-developed countries; (d) Land reform: report by the Secretary-General on the replies of governments to the questionnaire on land reform; report by the Secretary-General on agricultural co-operation

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DOCUMENT E/2588

Report of the Economic Committee

[Original text: English]
[29 April 1954]

1. The Economic Committee, under the chairmanship of the First Vice-President of the Economic and Social Council, Sir Douglas Copland (Australia), considered item 3 of the agenda of the Council, referred to it by the Council at its 757th meeting as follows:

(i) Items 3 (a) and (b) at its 142nd, 143rd, 144th, 145th, 149th, 150th, 151st and 156th meetings, held on 13, 14, 19, 22, 23 and 27 April 1954;

(ii) Item 3 (c) at its 146th, 147th, 148th, 149th, 151st, 152nd, 153rd, 154th and 157th meetings, held on 15, 19, 23, 26 and 28 April 1954;

(iii) Item 3 (d) at its 154th, 155th, 156th, 158th and 159th meetings, held on 26, 27, 28 and 29 April 1954.

2. The Committee had before it the following documents:

(i) Under items 3 (a) and (b): E/2438, E/2455, E/2456 and Add.1, E/2516, E/2519, E/AC.6/L.78 and Add.1, E/AC.6/L.78/Rev.1 and Add.1, E/AC.6/L.82, E/AC.6/L.82/Rev.1, E/AC.6/L.83, E/AC.6/L.84, E/AC.6/L.84/Rev.1, E/AC.6/L.86, E/AC.6/L.91, E/AC.6/L.96;

(ii) Under item 3 (c): E/2531, E/2546, E/AC.6/L.79, E/AC.6/L.79/Rev.2, E/AC.6/L.79/Rev.3, E/AC.6/L.81, E/AC.6/L.85, E/AC.6/L.87, E/AC.6/L.88/Rev.1, E/AC.6/L.89, E/AC.6/L.90, E/AC.6/L.93, E/AC.6/L.95;

(iii) Under item 3 (d): E/2524, E/2526, E/AC.6/L.94, E/AC.6/L.94/Rev.1, E/AC.6/L.94/Rev.2, E/AC.6/L.97, E/AC.6/L.98, E/AC.6/L.99, E/AC.6/L.100.

3. The Committee voted on the attached draft resolutions as follows:

Draft resolution A: 12 in favour, 5 against, and 1 abstention.

Draft resolution B: 15 in favour, 2 against, and 1 abstention.

Draft resolution C (sections 1 and 2) was unanimously adopted.

4. The Committee recommends the following draft resolutions for adoption by the Council:

Draft resolution A

INTERNATIONAL PRICE RELATIONS

The Economic and Social Council,

Having regard to the report *Commodity Trade and Economic Development*¹ submitted by the group of experts appointed under General Assembly resolution 623 (VII) and the reports² prepared by the Secretary-General in response to that General Assembly resolution and Economic and Social Council resolution 427 (XIV), paragraph 7,

¹ Document E/2519.

² Documents E/2438, E/2455, E/2456 and Add.1.

Considering :

Draft resolution B

That all the reports emphasize the need for devising effective measures of international co-operation to solve the grave problem of the inadequacy and instability of the proceeds of primary commodity exports which affects the majority of the countries in process of development,

That in order to facilitate the adoption of measures to solve these problems on a just and equitable basis, it is necessary to establish specialized machinery, within the framework of the United Nations, permanently concerned with the examination of proposals capable of offering satisfactory solutions,

That, as is noted in the report *Commodity Trade and Economic Development*, there is at present no effective international procedure for the study of such problems,

That it is urgent and essential, both for the under-developed countries and for the international economy as a whole, to find a solution of the grave and persistent problem of the instability of primary commodity markets and the secular deterioration of the terms of trade between primary commodities and manufactured goods in international trade ;

Bearing in mind the need for adopting all measures likely to create the conditions of stability and well-being which are necessary for peaceful and friendly relations among nations ;

Resolves that :

1. There shall be established an advisory commission to the Economic and Social Council to be known as the Permanent Advisory Commission on International Commodity Trade.

2. The main task of the Commission shall be to examine measures designed to avoid excessive fluctuations in the prices of and the volume of trade in primary commodities, including measures aiming at the maintenance of a just and equitable relationship between the prices of primary commodities and the prices of manufactured goods in international trade, and to make recommendations. Any Member of the United Nations not represented on the Commission may bring to the Commission's attention any aspects of the above problems affecting it in this matter and may take part in the Commission's discussion of the problem.

3. The Commission shall also have the following functions :

(a) To keep constantly under review the movement of world primary commodity markets by the assembly and analysis of appropriate data ;

(b) To submit periodic reports to the Council on its work and to propose without delay measures for the solution of problems within its terms of reference.

(c) To publish studies and statistical reports on prices, terms of trade and other matters relating to international trade in primary commodities ;

Decides to postpone the organization and establishment of the Permanent Advisory Commission on International Commodity Trade until the eighteenth session, in connexion with consideration of the reorganization of the Economic and Social Council and its commissions at that session (item 29 of the provisional agenda) ;

Invites the Governments of the Member States to transmit to the Economic and Social Council before its eighteenth session any relevant comments on the Advisory Commission and their views concerning their participation in the Commission.

INTERNATIONAL FLOW OF PRIVATE CAPITAL FOR THE ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

The Economic and Social Council,

Recommends that the General Assembly adopt the following resolution :

"The General Assembly,

"Taking note of the reports³ on the international flow of private capital prepared by the Secretary-General pursuant to its resolution 622 C (VII) of 21 December 1952,

"Recognizing that the international flow of private investment for productive activities contributes to the raising of living standards by assisting in the development of natural resources, the expansion and diversification of agricultural and industrial production, and the growth of technical skills, and

"Recognizing that the flow of private investment has not been commensurate with the needs in those areas where rapid development is essential for economic progress, and

"Recognizing that expanding international trade and continued progress towards wider convertibility of currencies will be conducive to a greater flow of such investment, and

"Recognizing the necessity of measures designed to remove the impediments to such a flow and to attract private investment,

"1. Recommends continuing efforts by countries seeking to attract private foreign capital to :

"(a) Re-examine wherever necessary domestic policies, legislation and administrative practices with a view to improving the investment climate ; avoid unduly burdensome taxation ; avoid discrimination against foreign investments ; facilitate the import by investors of capital goods, machinery and component materials needed for new investment ; make adequate provision for the remission of earnings and repatriation of capital ;

"(b) Develop domestic and foreign information services and other means for informing potential foreign investors of business opportunities in their countries and of the relevant laws and regulations governing foreign enterprise ;

"(c) Consider supplementing their efforts to attract foreign private investment by including in their requests for technical advice and assistance from the United Nations and its specialized agencies as well as from the countries well-advanced technically, such matters as :

"(i) Economic surveys to determine the sectors most likely to be of interest to private investors and to identify specific opportunities within those sectors ;

"(ii) The preparation of material regarding specific projects in a manner which will command the attention of private investors ;

"(iii) The establishment of channels for the presentation of specific projects to potential investors in capital-exporting countries ;

"2. Recommends continuing efforts by countries able to export capital to :

"(a) Re-examine wherever necessary domestic policies, legislation and administrative practices with a view to encouraging the flow of private capital to capital-importing countries ;

³ Documents E/2531 and E/2546.

"(b) Ensure to potential investors the availability of the fullest possible information on foreign investment opportunities and on the conditions and outlook for investment in individual foreign countries ;

"(c) Ensure to capital-importing countries (including firms and individuals therein) the availability of information on the investment desires of firms and individuals in the capital-exporting countries :

"(d) Impress on investors the importance of endeavouring to secure local capital participation in their foreign enterprises whenever appropriate and feasible ;

"(e) Adopt, within the framework of their institutions, measures on taxation that will reduce progressively international double taxation with a view to its final elimination.

"3. *Recommends* continuing efforts by the capital-exporting and capital-importing countries, where appropriate, to take such other steps as may be feasible and mutually acceptable to stimulate the flow of capital to under-developed countries and more especially, to

"(a) Negotiate appropriate treaties, agreements, or other arrangements ;

"(b) Negotiate treaties on double taxation ;

"(c) Negotiate agreements, if consistent with national laws, providing for the insurability of certain non-business risks ;

"4. *Recommends* further that capital-importing and capital-exporting countries consider the desirability and feasibility of the establishment of investment corporations in individual countries designed to encourage the participation of private investors ;

"5. *Declares* that, in order for new foreign investments to be an effective contribution to the economic development of the under-developed countries, it is advisable to take into account, among other things, the situation with regard to previously established enterprises so as not to affect their normal development, provided this is in harmony with the national interest ;

"6. *Requests* the Secretary-General to prepare annually a report on the international flow of private capital and its contribution to economic development, and on the measures taken by Governments affecting such flow. In preparing this report account should be taken of the discussions on this subject in the Council and of suggestions which may be communicated by Governments for promoting the international flow of private capital."

Draft resolution C

I

LAND REFORM

The Economic and Social Council,

Taking note of the report of the Secretary-General entitled *Progress in Land Reform*,⁴ prepared in co-operation with the Food and Agriculture Organization (FAO) and the International Labour Organisation (ILO) and the information contained therein, and

Taking note of the activities of FAO and ILO and the other specialized agencies in the field of land reform,

Further taking note of the fact that, though considerable

progress has already been made in a number of countries, there still exist an urgent need and further opportunities for action in respect of institutional reforms and measures of agricultural development in terms of the recommendations contained in Council resolution 370 (XIII) and General Assembly resolution 625 (VII), as is evident from the reports submitted by the Governments ;

Bearing in mind that the implementation of the recommendations of its resolution 370 (XIII) and General Assembly resolution 625 (VII) are important for the promotion of social progress and better standards of life ;

Bearing in mind also that in many countries plans and programmes of economic development have been launched which require an integrated approach, detailed quantitative and qualitative assessment of the results of economic measures taken and large financial outlays,

Recognizing that information concerning experiences of individual countries with national measures of land reform may be helpful to a number of other countries in charting their future course of action in this field,

Further recognizing that in many cases development projects designed to implement programmes of agrarian reform may require a substantial amount of financing,

1. *Urges* Governments to continue their efforts to implement Council resolution 370 (XIII) and General Assembly resolution 625 (VII) as expeditiously as possible ;

2. *Recommends* that the International Bank for Reconstruction and Development, in accordance with General Assembly resolutions 524 (VI) and 625 (VII), give sympathetic consideration to loan applications from under-developed countries for development projects which are designed to implement their programmes of agrarian reform, including projects designed to bring new lands under agricultural cultivation, and invites the Bank, consistent with its maintenance as a self-supporting entity, to consider making any such loans on terms of interest and amortization designed to place the smallest feasible burden on the borrowing countries ;

3. Requests the Secretary-General

(a) To prepare a report, in collaboration with FAO and ILO, for submission to the Council at its twenty-second session, indicating the impact of the measures of land reform already undertaken on agricultural employment and output, on the pattern of production in the rural economy, on standards of living of the rural population and on economic development in general ;

(b) To include in the periodic reports, provided for in paragraph 8 of Council resolution 370 (XIII), information on work in this field by the United Nations and the specialized agencies concerned ; and

(c) To collaborate as appropriate with FAO in maintaining and strengthening the central repository of information relating to land reforms and land policy established pursuant to resolution No. 8 of the sixth session of the Conference of FAO ;

4. *Recommends* that FAO and other specialized agencies concerned, in consultation with the Secretary-General, take further steps to :

(a) Set up working parties for making on-the-spot studies of special problems, and

(b) Arrange conferences for the pooling and exchange of information ;

5. *Requests* the General Assembly to continue its interest in land reform in all its aspects, giving particular attention to the problem of financing.

⁴ Document E/2526.

II

Co-OPERATIVES

The Economic and Social Council,

Taking note of the report entitled Rural Progress through Co-operatives⁵ and of the activities of the specialized agencies in this field,

Considering that measures of economic development in general and land reform in particular disclose increasing scope for further formation and development of co-operatives,

Bearing in mind that co-operatives provide a combination of initiative, mutual benefit and social purpose and in this way contribute to the process of agricultural development,

Recognizing that achievement of the full potentialities of co-operatives requires various types of help from Governments and other bodies,

Recognizing further that, particularly in under-developed countries, the division of functions between co-operative and other groups merits further study,

1. *Invites Governments to extend all appropriate assistance towards the formation and development of co-operatives;*

2. *Requests the Secretary-General to prepare, in collaboration with FAO and ILO, for submission to the twenty-second session of the Council, a report embodying further studies and conclusions regarding*

(a) *The various forms of help that Governments and other bodies could provide for the achievement of the full potentialities of co-operatives;*

(b) *The demarcation of sectors in which co-operative organization may be considered suitable.*

⁵ Document E/2524.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
E/1584	<i>National and International Measures for Full Employment</i>		United Nations publication. Sales No.: 1949.II.A.3
E/1986	<i>Measures for the Economic Development of Under-Developed Countries</i>		United Nations publication. Sales No.: 1951.II.B.2
E/2047/Rev.1	<i>Instability in Export Markets of Under-Developed Countries</i>		United Nations publication. Sales No.: 1952.II.A.1
E/2156	<i>Measures for International Economic Stability</i>		United Nations publication. Sales No.: 1951.II.A.2
E/2438	<i>Impact of selected synthetics on demand for natural products in international trade: study by the Secretariat</i>		Mimeographed document only
E/2454	<i>Analysis by the International Monetary Fund of the adequacy of monetary reserves</i>		<i>Official Records of the Economic and Social Council, Sixteenth Session, Annexes, agenda item 2</i>
E/2455	<i>Relative prices of primary products and manufactures in international trade: report by the Secretary-General</i>		Mimeographed document only
E/2456 and Add.1	<i>Repercussions of changes in terms of trade on the economies of countries in process of development: report by the Secretary-General</i>		<i>Idem</i>
E/2515	<i>Review of international commodity problems, 1953</i>		<i>Idem</i>
E/2516	<i>Incidence of fluctuations in marine freight rates: statement by the Committee of Experts set up under General Assembly resolution 623 (VII)</i>		<i>Idem</i>
E/2519	<i>Commodity Trade and Economic Development</i>		United Nations publication. Sales No.: 1954.II.B.1
E/2524	<i>Rural Progress through Co-operatives</i>		United Nations publication. Sales No.: 1954.II.B.2
E/2526	<i>Progress in Land Reform</i>		United Nations publication. Sales No.: 1954.II.B.3
E/2531	<i>The International Flow of Private Capital 1946-1952</i>		United Nations publication. Sales No.: 1954.II.D.1
E/2536 and Corr.1	<i>Sixth Annual Report of the Economic Commission for Latin America (26 April 1953-10 February 1954)</i>		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 2</i>
E/2546	<i>Memorandum by the Secretary-General on action taken to stimulate the international flow of private capital</i>		Mimeographed document only
E/2553	<i>Annual Report of the Economic Commission for Asia and the Far East (15 February 1953-18 February 1954)</i>		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 3</i>

Document No.	Title	Page	Observations and references
E/2588	Report of the Economic Committee	1	
E/AC.6/L.78	Argentina: draft resolution		Mimeographed document only
E/AC.6/L.78/Add.1	Statement of financial implications of E/AC.6/L.78		<i>Idem</i>
E/AC.6/L.78/Rev.1	Argentina: revised draft resolution		<i>Idem</i>
A/AC.6/L.78/Rev.1/ Add.1	Amendment to the revised draft resolution submitted by Argentina (E/AC.6/L.78/Rev.1)		<i>Idem</i> <i>Idem</i>
E/AC.6/L.79	Belgium, Pakistan, Turkey and United States of America: draft resolution		<i>Idem</i>
E/AC.6/L.79/Rev.2	Belgium, China, Pakistan, Turkey, United States of America and Venezuela: revised draft resolution		<i>Idem</i>
E/AC.6/L.79/Rev.3	Belgium, China, Pakistan, Turkey, United States of America and Venezuela: revised draft resolution		<i>Idem</i>
E/AC.6/L.81	Australia: amendment to the draft resolution submitted by Belgium, Pakistan, Turkey and the United States (E/AC.6/L.79)		<i>Idem</i>
E/AC.6/L.82	Australia and India: draft resolution		<i>Idem</i>
E/AC.6/L.82/Rev.1	Australia and India: revised draft resolution		<i>Idem</i>
E/AC.6/L.83	Czechoslovakia: amendments to the draft resolution submitted by Argentina (E/AC.6/L.78)		<i>Idem</i>
E/AC.6/L.84	Norway: amendments to the draft resolution submitted by Australia and India (E/AC.6/L.82)		<i>Idem</i>
E/AC.6/L.84/Rev.1	Norway: revised amendments to the draft resolution submitted by Australia and India (E/AC.6/L.82)		<i>Idem</i>
E/AC.6/L.85	Egypt: amendments to the draft resolution submitted by Belgium, Pakistan, Turkey and the United States (E/AC.6/L.79)		<i>Idem</i>
E/AC.6/L.86	Egypt: amendments to the draft resolution submitted by Argen- tina (E/AC.6/L.78)		<i>Idem</i>
E/AC.6/L.87	Argentina: amendments to the draft resolution submitted by Belgium, Pakistan, Turkey and the United States (E/AC.6/L.79)		<i>Idem</i>
E/AC.6/L.88/Rev.1	Argentina, Cuba, Ecuador and Venezuela: amendment to the draft resolution submitted by Belgium, Pakistan, Turkey and the United States (E/AC.6/L.79)		<i>Idem</i>
E/AC.6/L.89	India: amendments to the draft resolution submitted by Belgium, Pakistan, Turkey and the United States (E/AC.6/L.79)		<i>Idem</i>
E/AC.6/L.90	Working paper prepared by the Secretariat		<i>Idem</i>
E/AC.6/L.91	Amendments to the revised draft resolution submitted by Australia and India (E/AC.6/L.82/Rev.1)		<i>Idem</i>
E/AC.6/L.93	Egypt and India: amendments to the revised draft resolution submitted by Belgium, China, Pakistan, Turkey, United States and Venezuela (E/AC.6/L.79/Rev.2)		<i>Idem</i>
E/AC.6/L.94	Egypt and India: draft resolution		<i>Idem</i>
E/AC.6/L.94/Rev.1	Egypt and India: revised draft resolution		<i>Idem</i>
E/AC.6/L.94/Rev.2	Egypt and India: revised draft resolution		<i>Idem</i>
E/AC.6/L.94/Rev.2/ Add.1	Statement of financial implications of E/AC.6/L.94/Rev.2		<i>Idem</i>
E/AC.6/L.95	Belgium, China, Pakistan, Turkey, United States of America and Venezuela: amendments to the amendments submitted by Egypt and India (E/AC.6/L.93)		<i>Idem</i>
E/AC.6/L.96	Pakistan: amendment to the revised draft resolution submitted by Argentina (E/AC.6/L.78/Rev.1)		<i>Idem</i>
E/AC.6/L.97	United States of America: amendments to the revised draft reso- lution submitted by Egypt and India (E/AC.6/L.94/Rev.1)		<i>Idem</i>
E/AC.6/L.98	Australia: amendment to the amendments submitted by the United States (E/AC.6/L.97)		<i>Idem</i>
E/AC.6/L.99	Venezuela: amendment to the amendments submitted by the United States (E/AC.6/L.97)		<i>Idem</i>
E/AC.6/L.100	Pakistan: amendments to the amendments submitted by the United States (E/AC.6/L.97)		<i>Idem</i>
E/C.2/229 and Corr.1	Communication dated 7 September 1949 from the President of the International Chamber of Commerce to the Secretary- General		<i>Idem</i>
E/C.2/256/Add.1	Financing economic development: statement submitted by the International Chamber of Commerce		<i>Idem</i>
E/C.2/287	Financing of economic development of under-developed coun- tries: statement submitted by the International Chamber of Commerce		<i>Idem</i>
E/C.2/353	Economic development and private investments: statement sub- mitted by the International Chamber of Commerce		<i>Idem</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
E/CN.12/291/Rev.2	<i>Economic Survey of Latin America 1951-52</i>		United Nations publication, Sales No.: 1953.II.G.3
E/CN.12/292	Preliminary study of the technique of programming economic development		Mimeographed document only
E/CN.12/293	Study on iron and steel industry and report on meeting of experts held in Bogotá and sponsored by the Economic Commission for Latin America and the Technical Assistance Administration		<i>Idem</i>
E/RESOLUTION (XVII)/19	Resolutions adopted by the Economic and Social Council at its 791st meeting on 30 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 512 (XVII)</i>
ST/ECA/3 and Corr.1	<i>Relative Prices of Exports and Imports of Under-Developed Countries</i>		United Nations publication, Sales No.: 1949.II.B.3



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Agenda item 4

ANNEXES

SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 4: Reports of the International Monetary Fund: (a) annual report of the Fund; (b) report of the Fund under Council resolution 483 C (XVI)

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<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
E/2496	Note by the Secretary-General transmitting the annual report of the International Monetary Fund for the fiscal year ended 30 April 1953	Mimeographed document only. For the report of the Fund, see <i>International Monetary Fund, Annual Report, 1953, Washington, D.C.</i>
E/2496/Add.1	Summary of activities of the International Monetary Fund from 1 May 1953 through 31 January 1954	Mimeographed document only
E/L.589	Turkey: draft resolution	Text identical with E/RESOLUTION (XVII)/7
E/RESOLUTION (XVII)/7	Resolution adopted by the Economic and Social Council at its 772nd meeting, on 12 April 1954	<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 513 (XVII)</i>



Agenda item 5: Report of the International Bank for Reconstruction and Development

CHECK LIST OF DOCUMENTS

Document No.	Title	Observations and references
E/1333/Rev.1	<i>Methods of Financing Economic Development in Under-Developed Countries</i>	United Nations publication, Sales No.: 1949.II.B.4
E/1873	Note by the Secretary-General transmitting the Fifth Annual Report of the International Bank for Reconstruction and Development, 1949-1950	Mimeographed document only. For the report of the Bank, see <i>International Bank for Reconstruction and Development, Fifth Annual Report, 1949-1950, Washington, D.C.</i>
E/1936	<i>Measures for the Economic Development of Under-Developed Countries</i>	United Nations publication, Sales No.: 1951.II.B.2
E/2168	Note by the Secretary-General transmitting the Sixth Annual Report of the International Bank for Reconstruction and Development, 1950-1951	Mimeographed document only. For the report of the Bank, see <i>International Bank for Reconstruction and Development, Sixth Annual Report, 1950-1951, Washington, D.C.</i>
E/2496	Note by the Secretary-General transmitting the annual report of the International Monetary Fund for the fiscal year ended 30 April 1953	Mimeographed document only. For the report of the Fund, see <i>International Monetary Fund, Annual Report, 1953, Washington, D.C.</i>
E/2496/Add.1	Summary of activities of the International Monetary Fund from 1 May 1953 through 31 January 1954	Mimeographed document only
E/2511	Note by the Secretary-General transmitting the Eighth Annual Report of the International Bank for Reconstruction and Development, 1952-1953	Mimeographed document only. For the report of the Fund, see <i>International Bank for Reconstruction and Development, Eighth Annual Report, 1952-1953, Washington, D.C.</i>
E/2511/Add.1	Supplement to the Eighth Annual Report of the International Bank for Reconstruction and Development: summary of the principal activities of the Bank from 1 July 1953 to 1 February 1954	Mimeographed document only
E/2519	<i>Commodity Trade and Economic Development</i>	United Nations publication, Sales No.: 1954.II.B.1
E/2531	<i>The International Flow of Private Capital 1946-1952</i>	United Nations publication, Sales No.: 1954.II.D.1
E/RESOLUTION (XVII)/8	Resolution adopted by the Economic and Social Council at its 779th meeting, on 21 April 1954	<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 514 (XVII)</i>
E/TAC/32 and Add.1	Basis for the allocation of funds under the Expanded Programme of Technical Assistance: memorandum submitted by France	<i>Ibid., Annexes, agenda item 11</i>



Agenda item 6: Annual report of the Economic Commission for Asia and the Far East

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DOCUMENT E/L.594**Pakistan: draft resolution**

[Original text: English]
[20 April 1954]

The Economic and Social Council,

Noting that Afghanistan has expressed a desire to be included in the geographical scope of the Economic Commission for Asia and the Far East,¹

Decides to amend paragraph 2 of the Commission's terms of reference by adding Afghanistan to the list of territories given in that paragraph.

DOCUMENT E/L.595**Pakistan: draft resolution**

[Original text: English]
[20 April 1954]

The Economic and Social Council,

Taking note of resolution 13 (X) adopted by the Economic Commission for Asia and the Far East on 18 February 1954,

1. *Approves the recommendation contained in the said resolution,*
2. *Amends paragraph 6 of the terms of reference of the Economic Commission for Asia and the Far East to read as follows:*

"6. Representatives of associate members shall be entitled to participate without vote and to hold office in all meetings of the Commission, whether sitting as Commission or as Committee of the Whole."

¹ See Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 3, para. 212.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
E/1986	<i>Measures for the Economic Development of Under-developed Countries</i>		United Nations publication, Sales No.: 1951.II.B.2
E/2531	<i>The International Flow of Private Capital 1946-1952</i>		United Nations publication, Sales No.: 1954.II.D.1
E/2553	Annual Report of the Economic Commission for Asia and the Far East (15 February 1953 - 18 February 1954)		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 3</i>
E/CN.11/373	<i>A Study of Trade between Asia and Europe</i>		United Nations publication, Sales No.: 1953.II.F.3
E/L.594	Pakistan : draft resolution	1	
E/L.595	Pakistan : draft resolution	1	
E/RESOLUTION (XVII)/9	Resolutions adopted by the Economic and Social Council at its 777th meeting, on 20 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 516 (XVII)</i>



ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS

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SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 7: Annual report of the Economic Commission for Latin America

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DOCUMENT E/L.593

Argentina, Cuba, Ecuador and Venezuela: draft resolution

[Original text: Spanish]
[19 April 1954]

The Economic and Social Council,

Considering that Italy has expressed interest in attending the sixth session of the Economic Commission for Latin America (ECLA) to be held at Bogotá in 1955,

Requests the Secretary-General to authorize the Executive Secretary of ECLA to invite Italy to attend ECLA meetings on the basis provided in paragraph 6 of the terms of reference for Members of the United Nations not members of the Economic Commission for Latin America.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
E/1986	<i>Measures for the Economic Development of Under-Developed Countries</i>		United Nations publication, Sales No.: 1951.II.B.2
E/2374	Annual report of the Economic Commission for Asia and the Far East (9 February 1952-14 February 1953)		<i>Official Records of the Economic and Social Council, Fifteenth Session, Supplement No. 6</i>
E/2536 and Corr.1	Sixth Annual Report of the Economic Commission for Latin America (26 April 1953-10 February 1954)		<i>Ibid., Seventeenth Session, Supplement No. 2</i>
E/CN.12/225	<i>A Study of Trade between Latin America and Europe</i>		United Nations publication, Sales No.: 1952.II.G.2
E/CN.12/291/Rev.2	<i>Economic Survey of Latin America 1951-52</i>		United Nations publication, Sales No.: 1953.II.G.3
E/CN.12/295	Study on the Economic Development of Ecuador		Mimeographed document only
E/L.593	Argentina, Cuba, Ecuador and Venezuela: draft resolution	1	
E/RESOLUTION (XVII)/15	Resolutions adopted by the Economic and Social Council at its 791st meeting, on 30 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 515 (XVII)</i>

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Agenda item 8: Question of admission to membership in the regional economic commissions of States not Members of the United Nations

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DOCUMENT E/2458

Memorandum by the Secretary-General

[Original text: English]
[8 June 1953]

The request was made at the fifteenth session of the Economic and Social Council for a legal study on the question of whether the Council has the authority under the Charter to grant full membership with voting rights in its commissions to States which are not Members of the United Nations.

1. THE PROVISIONS OF THE CHARTER RELATING TO THE ESTABLISHMENT OF COMMISSIONS

Article 7, paragraph 2 of the Charter provides that "such subsidiary organs as may be found necessary may be established in accordance with the present Charter".

Article 68 states:

"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."

It will be noted that Article 68 does not say anything about the composition of the commissions. No specific obligation is enjoined on the Economic and Social Council except to create commissions for the purposes stated. There are no provisions in the Charter which relate to the composition of the commissions.

Article 55 of the Charter has pertinence in that it expresses the ideal of international economic and social co-operation in general terms, and not merely among Member States.¹

¹ It is noted that the first paragraph of Article 55 refers to the creation of conditions which are necessary for peaceful and friendly relations among nations. It is of significance that the term "nations" is used here rather than "Members of the United Nations".

2. PRELIMINARY WORK

The Dumbarton Oaks Proposals provided that all commissions of the Economic and Social Council should consist of individual experts.² However, at San Francisco, that requirement was deleted for the express reason that it would be undesirable to limit the Council's discretion in determining the composition of its commissions. The report of the Rapporteur of Committee II/3 of the San Francisco Conference expresses this understanding as follows:

"The Committee recommends that the Dumbarton Oaks Proposal providing that the commissions set up by the Council should consist of experts be deleted. It was generally felt that it would be undesirable to limit the Council's field of choice."³

It is clear, therefore, that the drafters of the Charter did not intend to restrict the Council in its right to determine the composition of its own commissions.

3. PREPARATORY COMMISSION AND GENERAL ASSEMBLY

The recommendation of the Preparatory Commission is likewise significant in this connexion. It stated:

"Most commissions should contain a majority of responsible, highly-qualified governmental representatives. Where the work of a commission is likely to result in recommendations for specific action by governments, acceptance of this principle would add realism

² Documents of the United Nations Conference on International Organization, San Francisco, 1945, London and New York, United Nations Information Organizations, 1945, Vol. 3, Doc. 1 G/1, p. 21.

³ Ibid., Vol. 8, Doc. 924, II/12, p. 88.

and responsibility to the advice of the commission and improve the prospects of implementation by governments."⁴

It should be noted that in this statement it was recommended only that a majority of the commission be representatives of "governments"; significantly, it was not said that these were to be Member Governments. Moreover, the statement clearly makes allowance for participation of others than representatives of governments (for example, persons in their individual capacity, or representatives of non-governmental organizations). This shows that it was not thought that membership had to be restricted to Member States.

A joint sub-committee of the Second and Third Committees of the General Assembly at its first session, in considering the recommendations of the Preparatory Commission, also took the position that the Council should not be restricted in choosing the composition of a commission (A/16 and A/17):

"Doubt was expressed by some members as to whether the recommendation that most commissions should contain a majority of highly-qualified governmental representatives was desirable and whether it allowed the Council sufficient freedom. Paragraphs 36 and 38 of section 5 were approved on the understanding that these recommendations should not be regarded as binding and that no limitation should be put on the Council in choosing the members of the commissions."

4. THE PRACTICE OF THE COUNCIL

The Council has, in practice, consistently interpreted the Charter as granting the Council full discretionary authority to decide on the membership of its commissions. For example, rule 71 of its rules of procedure provides:

"The Council shall set up such commissions as may be required for the performance of its functions, and shall define the powers and composition of each of them."

Significantly, the Council has elected non-Member States to full membership with voting rights in the Executive Board of the United Nations Children's Fund (UNICEF) (436th meeting) and in the United Nations High Commissioner's Advisory Committee on Refugees (562nd meeting).

In respect of non-Members in the regional economic commissions, the Council has granted consultative status to States non-Members of the United Nations in the Economic Commission for Europe (ECE) (resolution 36 (IV)) and associate membership to non-Members in the Economic Commission for Asia and the Far East (ECAFE) resolutions 69 (V) and 187 (VIII).⁵ Those non-Member States enjoying consultative status or associate membership have been granted voting rights in the subordinate bodies or committees of both regional economic commissions. It is worth noting that the Council, in revising the terms of reference of ECE granting consultative status to European countries non-Members of the United Nations, stated the following (resolution 414 C.II (XIII)):

"*Being of the opinion* that, for the time being, no change should be made as to voting rights in so far as the Commission itself is concerned..."

This statement is further indication that the Council considered the matter of voting rights as subject to its own discretion.

5. ARTICLE 69 OF THE CHARTER

During discussions of this matter at the fifteenth session of the Economic and Social Council (701st meeting), reference was made to Article 69 as possibly limiting the Council's competence to admit States non-Members of the United Nations to full membership in the regional commissions. It was requested that the legal study should give consideration to this question.

Article 69 states:

"The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member."

The suggestion that Article 69 limits the Council in granting voting rights to non-Members appears to be based on the idea that since Members of the United Nations may participate only without vote in the Council, it would not be proper to grant a vote to non-Members in the commissions. Stated in other words, it is suggested that the restriction in Article 69 which applies to the Council must also necessarily apply to the commissions.

There is, however, no legal reason why a rule in the Charter regarding voting in the Council itself must mandatorily be applied to its subsidiary organs.⁶ The fact that the Charter expressly provides that only members of the Council may vote in the Council does not imply that the Charter has restricted the Council in deciding upon membership or voting in its commissions.

The practice of the Council supports this interpretation. The Council has accorded voting rights in its commissions to Member States which are not members of the Council, and in this sense it has already decided that the principle of Article 69 does not have to be applied in respect of the commissions.

As indicated previously, the Council has granted voting rights to States which are not Members of the United Nations in the United Nations High Commissioner's Advisory Committee on Refugees, while rule 6 of the rules of procedure of this Committee provides as follows:

"The Committee may invite the representative of any State to attend its meetings without the right to vote, if matters particularly affecting its interests are discussed by the Committee."

This provision applies both to Member and non-Member States of the United Nations which are not members of the Committee.

Likewise, non-Member States enjoy full membership and voting rights in the Executive Board of UNICEF, while Member States of the United Nations not members of the Board would only enjoy the right to be consulted in matters of their interest if the Board so decides.⁷

The fact that the Council has not granted voting rights in the regional economic commissions to Member States of the United Nations which are not members of these commissions is not a legal obstacle to the Council granting such rights to non-Members of the United Nations, since participation in the work of the regional economic commissions appears to be determined by the geographical location and economic relationships of certain States, and not by their membership in the United Nations. Members of the United Nations, of course, have a voice regarding

⁴ Report of the Preparatory Commission of the United Nations, 1945 (PC/20), p. 39, para. 37.

⁵ Although the Economic Commission for Latin America has no associate members, provision is made in its terms of reference for associate membership with full rights in committees or other subordinate bodies of the Commission (Economic and Social Council resolution 106 (VI), dated 25 February and 5 March 1948).

⁶ For example, the rule requiring unanimity in certain questions before the Security Council does not hold in the subsidiary organs of the Security Council.

⁷ Rule 67 of the rules of procedure of the Executive Board provides: "The Board may, as occasions arise, invite representatives of interested governments and of specialized agencies to consult on matters within their competence".

matters of the regional economic commissions, either at the Council if they are members of that organ, or at the General Assembly by reason of Article 60.⁸

6. ARTICLE 4 OF THE CHARTER

It has also been requested by members of the Council (701st meeting) that consideration be given to Article 4 of the Charter in its relation to the present question.

Article 4 specifies the conditions and the procedure for admission of States to membership in the United Nations. The text of Article 4 reads:

"1. Membership in the United Nations is open to all other peace-loving States which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

"2. The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

It is pertinent in this connexion to refer to the Advisory Opinion of the International Court of Justice regarding Article 4.⁹ In that opinion the Court referred to the five conditions required under paragraph 1 of Article 4 of an applicant for admission. It then went on to say:

"All these conditions are subject to the judgment of the Organization. The judgment of the Organization means the judgment of the two organs mentioned in paragraph 2 of Article 4, and, in the last analysis, that of its Members."¹⁰

Thus, as the Court has pointed out, Article 4 provides that the General Assembly and the Security Council are the

competent organs to determine whether the conditions of Article 4 have been met by an applicant for membership in the United Nations. The Economic and Social Council has been given no function under Article 4, and there is no indication elsewhere in the Charter that the conditions laid down in this Article apply to the participation of non-Member States in the subsidiary organs. The Economic and Social Council itself has never made any express decision with respect to the conditions laid down in Article 4.

It would seem, therefore, that the Council is not legally required to apply the criteria of Article 4 to the admission of non-Member States in the regional economic commissions. On the other hand, there is nothing in the Charter to prohibit the Council from taking into account factors, such as those mentioned in Article 4, as well as other factors it may consider relevant, in deciding upon the question of membership in the regional commissions.

Should the Council consider that the factors mentioned in Article 4 are relevant to the question of admission to the regional commissions, it would seem to be incumbent upon the Council, in view of Article 60 of the Charter, to take into account any decisions of the General Assembly determining that particular States have or have not met the criteria of Article 4.¹¹

7. CONCLUSION

Based on the foregoing considerations, it is concluded that the Council has authority by virtue of Article 68 of the Charter to grant full membership in the regional commissions to States which are not Members of the United Nations.

DOCUMENT E/L.591

France, Pakistan and United States of America: draft resolution

[Original text: English]
[16 April 1954]

The Economic and Social Council,

Noting resolution B of the ninth report of the Economic Commission for Asia and the Far East (ECAFE) (E/2374) and resolution 12 (X) of the tenth report of ECAFE (E/2553) with regard to the amendment of the terms of reference of the Commission,

Noting further that the General Assembly has determined that the following Associate Members of ECAFE, Cambodia, Ceylon, Republic of Korea, Japan, Laos, Nepal and Viet-Nam are eligible for membership in the United Nations,

1. Decides

(a) to amend paragraph 3 of the terms of reference of ECAFE to include the countries mentioned in the second preambular paragraph above as members of the

Commission, provided that in each case the States apply for such membership and agree to contribute annually such equitable amounts as the General Assembly shall assess from time to time in accordance with procedures established by the General Assembly in similar cases;

(b) to amend paragraph 4 to delete the above-mentioned countries from this paragraph as and when each country named in paragraph (a) above becomes a full member of the Commission; and

2. Requests the Secretary-General to undertake such consultations and further steps as may be required to obtain agreement of the above non-Member States and the General Assembly to appropriate contributions by these States to the United Nations budget.

⁸ It is also noted that any Member of the United Nations which is not a member of a regional commission has a right to participate without vote in the commission in matters of particular concern to that State (see e.g., para. 9 of the terms of reference of the Economic Commission for Asia and the Far East).

⁹ *Admission of a State to the United Nations (Charter, Article 4), Advisory Opinion: I.C.J. Reports 1948, p. 57.*

¹⁰ *Ibid.*, p. 62.

¹¹ Such determinations have, for example, been made by the General Assembly in resolution 620 (VII), parts B to G. Resolution 620 B (VII) contains the following paragraph:

"1. *Determines* that Japan is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations".

Similar determinations with respect to Viet-Nam, Cambodia, Laos, Libya and Jordan are contained in the other parts of this resolution.



Agenda item 9: Report of the Interim Co-ordinating Committee for International Commodity Arrangements on the question of a study group on steel

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DOCUMENT E/2537

Report of the Interim Co-ordinating Committee for International Commodity Arrangements on the question of a study group on steel

[Original text: English]
[3 February 1954]

INTRODUCTION

1. On 27 April 1953, the Economic and Social Council adopted resolution 462 B (XV) which reads as follows:

"The Economic and Social Council

"1. Requests the Interim Co-ordinating Committee for International Commodity Arrangements (ICCICA) to consult governments on the desirability and usefulness of convening an inter-governmental study group on steel, and to transmit to the governments for their information the official records of the discussion of the question at the fifteenth session of the Council;

"2. Recommends that the governments consulted should transmit their views on the question to the ICCICA not later than 30 September 1953;

"3. Requests the ICCICA to consider the replies received from governments and to report to the Council at its seventeenth session on the action taken in this matter."

The Chairman of the Interim Co-ordinating Committee for International Commodity Arrangements informed Governments on 3 June 1953 of the resolution of the Council and asked for their views.

REPLIES FROM GOVERNMENTS

2. Of the seventeen countries which replied, three, namely Denmark, Egypt and Norway, considered that the establishment of an inter-governmental study group might be useful; the reply of the Union of South Africa offered no comment; the Government of New Zealand saw no need for a study group, but would not oppose it if the

idea obtained substantial support; and the Government of Argentina thought it premature to deal with this question before the report (E/2519)¹ of the group of experts appointed under General Assembly resolution 623 (VII) had been considered by the appropriate bodies. All the other countries that replied, namely Australia, Belgium, Canada, China, France, India, Netherlands, Pakistan, Sweden, the United Kingdom and the United States, were opposed to the proposal.

3. Of the three countries which were in favour of a study group, two adduced no specific reasons; the third expressed the opinion that the group should study the problem of steel prices, while taking care to co-ordinate its work with that of other international organizations and secretariats in order to avoid duplication.

4. Various arguments were adduced by the countries giving adverse replies. These may be summarized as follows:

(a) Such a study group would duplicate work already undertaken in this field by the regional economic commissions and other international bodies.

(b) In practice, the varied and complex nature of steel products would make the subject extremely difficult for a study group to handle, and an international agreement on such a commodity would be virtually impossible to administer.

(c) This enquiry arose because of anxiety over the relationship between the prices obtained for primary

¹ *Commodity Trade and Economic Development*, United Nations publication, Sales No.: 1954.II.B.1.

products exported by under-developed countries and the prices of the imports of those countries, particularly such capital goods as steel products; but a study group for steel would not help in this matter.

(d) Steel is not a primary product in the sense in which the term applies to all other products for which study groups have been set up. This is an industrial problem and hence one for the regional commissions to consider. Furthermore, a proper study of steel problems would have to include coal and iron ore.

(e) The shortages of the immediate post-war period are now ending and there is no fundamental disequilibrium between supply and demand.

(f) It is inopportune to take a decision before the Economic and Social Council and the General Assembly have acted on the experts' report resulting from General Assembly resolution 623 (VII), mentioned above.

(g) Non-producing countries would obtain a better guarantee against any danger of excessive steel prices if a convention on restrictive business practices were to come into being.

STUDY OF STEEL PROBLEMS BY INTERNATIONAL ORGANIZATIONS

5. This Committee has given particular attention to the statement that the subject was already being studied by other organizations. It has had an opportunity to examine various documents which have been published, and considers that it may be useful to note briefly the work done in this field by the regional commissions and other international organizations.

6. The Economic Commission for Europe has had a Steel Committee for over five years. That committee issues the *Quarterly Bulletin of Steel Statistics for Europe* which gives data covering European production of iron ore, pig-iron, and crude and finished steel; European consumption of raw materials, and production and export of raw materials by overseas countries in selected cases; and the foreign trade of European countries in raw materials and steel products.

7. Several comprehensive studies dealing with production, consumption, and imports and exports of steel have also been issued by the Steel Committee of the Economic Commission for Europe. Among the more recent are "Steel Production and Consumption Trends in Europe and the World" (E/ECE/149), published in April 1952, which included a discussion of the future prospects of steel exports from Europe; and "European Steel Exports and Steel Demand in Non-European Countries" (E/ECE/163), published in April 1953. The latter study gives the factors influencing demand in under-developed countries and also reviews, country by country, production, consumption, imports, exports and resources in every major steel-consuming country in the world. "The European Steel Industry and the Wide-Strip Mill, a Study of Production and Consumption Trends in Flat Products" ² was issued in April 1953. This study reviews the development of the installation of wide-strip mills in western Europe, examines the effects of this major increase in European production facilities and makes recommendations for the development of demand in the major steel-consuming industries.

8. Studies are also envisaged by the Steel Committee to deal with competition between steel and other metals and raw materials capable of replacing steel. A study of competition between steel and aluminium, and a review of the steel market, are in preparation. An examination is also being made of the technical and economic problems

involved in developing the use of steel. Investigations of particular sections of the steel-making industry are being undertaken and a study of the steel tube industry, giving primary attention to industries consuming steel tubular products, is already under way.

9. The Organization for European Economic Co-operation (OEEC) also has carried out a good deal of work in this field. The organization has dealt particularly with investment in steel production and with problems arising from the short supply of raw materials.

10. The Economic Commission for Asia and the Far East established a sub-committee on iron and steel which has held several sessions since 1949. At these sessions there has been extensive discussion of the various problems arising in Asia and the Far East in relation to the production of steel, the utilization of fuels and steel-making materials, and various other technological matters, as well as the promotion of the trade of countries of the Far East among themselves and with the rest of the world. There were also issued in the past few years several comprehensive studies on iron and steel problems in Asia and the Far East, for example, a survey of the iron and steel industry, reviews of plans for the expansion of the iron and steel industry, and reports on coal and iron ore resources.

11. The Economic Commission for Latin America, in collaboration with the Technical Assistance Administration of the United Nations, has surveyed the existing steel-making industries of Latin America and the possibilities of setting up such industries in other parts of the region where raw materials and fuel are at hand. A working group of experts on the iron and steel industry in Latin America met in Bogotá in October 1952. Papers were discussed which set forth the historical development of steel-making in Latin America and the present structure of the industry. Problems of fuel utilization and iron ore reduction, and steel-making techniques most suitable to local conditions, were likewise discussed.

12. From its examination of the documents prepared by these various international organizations, this Committee is satisfied that most of the problems of the steel industry are being studied. Some of the work has been concerned with special problems, such as the development of the steel-making industry in new areas, and some has been done on an *ad hoc* basis. However, most of the work on steel done by the regional commissions is on a continuing basis. Owing to the complexity of steel products, comparatively little is published concerning steel prices, except in the annual reviews of the world market for steel published by the Economic Commission for Europe. It does not seem necessary, however, to establish a study group merely to supplement the data published by the Commission.

POSSIBILITY OF INTER-GOVERNMENTAL NEGOTIATIONS REGARDING STEEL

13. In view of the extensive information which is being collated and published about the steel industry, the establishment of a study group for this purpose alone does not seem to be warranted at this time.

14. There remains, however, the question whether a study group would be advisable for the purpose of preparing for inter-governmental negotiations designed to lead to some form of commodity arrangement on steel. This Committee has carefully considered the replies received from the various Governments and all the material and evidence made available to it. In this matter the Committee notes that many Governments have

² United Nations publication, Sales No.: 1953.II.E.6.

drawn attention to the diversity and complexity of steel products. Steel is, in fact, not bought and sold as a raw unfabricated metal but in some more or less fabricated shape or form, according to the requirements of the user. The fact that the trade is carried on in a multiplicity of different grades and types would, in the opinion of this Committee, undoubtedly make it extremely difficult to negotiate an inter-governmental agreement for steel of the kind envisaged in chapter VI of the Havana Charter.

CONCLUSIONS

15. For the reasons given in paragraphs 5 to 12 of this report, the Committee considers that existing arrangements for the collection of statistical and technological

information about the steel industry are adequate; and again, for the reasons given in paragraphs 13 and 14, it would be a matter of great difficulty to negotiate a commodity arrangement in respect of steel. Therefore, having regard particularly to the fact that the majority of Governments have expressed themselves as opposed to the idea of a study group for steel, this Committee is not able to recommend that any further steps be taken at this stage to establish international machinery to deal with the problems of steel.

16. The Committee proposes, however, to include in its future reviews a summary of the information collected by the various international bodies interested in steel during the year under review.

DOCUMENT E/2574

Report of the Economic Committee

[Original text: English]
[20 April 1954]

1. The Economic Committee, under the chairmanship of the first Vice-President of the Council, Sir Douglas Copland (Australia), considered at its 141st and 142nd meetings on 9 and 13 April 1954 the report of the Interim Co-ordinating Committee for International Commodity Arrangements on the Question of a Study Group on Steel, which had been referred to it by the Economic and Social Council at its 757th meeting.

2. The Committee had before it the following documents: E/2537 and E/AC.6/L.80.

3. The Committee decided, by 16 votes in favour, none against, with 2 abstentions, to recommend the following draft resolution for adoption by the Council:

The Economic and Social Council,

Takes note of the report of the Interim Co-ordinating Committee for International Commodity Arrangements on the Question of a Study Group on Steel (E/2537).

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ECONOMIC AND SOCIAL COUNCIL

ANNEXES

OFFICIAL RECORDS

SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 10: Transport and Communications:

- (a) Protocol on a Uniform System of Road Signs and Signals: report by the Secretary-General under Council resolution 468 D (XV), paragraph 6 (a);
- (b) Pollution of sea-water: report by the Secretary-General on developments since the adoption of Council resolution 468 B (XV);
- (c) Situation with respect to ratification of the Convention on the Inter-Governmental Maritime Consultative Organization: report by the Secretary-General on developments since the adoption of Council resolution 468 C (XV)

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(a) Protocol on a Uniform System of Road Signs and Signals: report by the Secretary-General under Council resolution 468 D (XV), paragraph 6 (a)

DOCUMENT E/2523

Note by the Secretary-General

[Original text: English, French and Spanish]
[30 December 1953]

INTRODUCTION

1. The present note has been prepared in pursuance of Economic and Social Council resolution 468 D (XV) of 15 April 1953 concerning the preparation of the Protocol on a Uniform System of Road Signs and Signals. In paragraph 6 of the operative part of this resolution the Council instructs the Secretary-General:

"(a) To continue his consultations concerning the contents of the protocol and the date it should be opened for signature, and to report thereon to the Council at its seventeenth session;

"(b) To bring to the attention of the governments the information and explanations contained in the final report of the Group of Experts on Road Signs and Signals."¹

2. The status of the question and the views of Governments of which the Secretary-General has so far been informed are summarized below. The substantive portions of communications received from Governments are reproduced in the annex to this note. Any further observations, comments, or proposals that may be received will be the subject of an addendum to this note.

¹ See document E/CN.2/119.

PREPARATION OF THE PROTOCOL ON A UNIFORM SYSTEM
OF ROAD SIGNS AND SIGNALS

3. It will be recalled that the Protocol referred to in Council resolution 468 D (XV) was prepared by the Group of Experts on Road Signs and Signals for consideration by the Transport and Communications Commission in accordance with Council resolution 272 (X) of 8 February 1950 concerning the United Nations Conference on Road and Motor Transport.

4. The Commission considered the recommendations embodied in the Protocol on a Uniform System of Road Signs and Signals as a suitable solution for achieving uniformity on a world-wide basis. The general desire to arrive at such a common world-wide system had been recorded in the Final Act of the 1949 United Nations Conference on Road and Motor Transport. Although the Conference had been unable to reach agreement on a world-wide system, but had adopted the "Geneva Protocol" embodying a revised European system, the desirability of creating at a later stage such a system—which would combine in particular the two main existing systems, namely the "European" and the "American"—was stressed at the Conference and subsequently reiterated in the Council and the Commission. The Secretary-General, in informing Governments in May 1950 of the steps taken by the Council and the Commission, drew particular attention to the hope expressed by the latter that, while the matter was under consideration, Governments would not take any action which would prevent them from accepting a unified system of road signs and signals on a world-wide basis.

5. The Commission, while noting the opinion of the Group of Experts that a direct exchange of views by Governments at a conference was essential before the final adoption of the Protocol, considered that, in view of the thorough preparation of the draft convention, the holding of such a conference was not essential and might delay the adoption of the uniform system. The Commission accordingly recommended to the Council that the Protocol should, without delay, be opened for signature. The Council at its fifteenth session, however, before acting on this recommendation, wished to obtain the views of Governments which would be eligible to sign the new Protocol, as indicated in resolution 468 D (XV).

CONSULTATIONS CONCERNING THE CONTENTS OF THE PROTOCOL
AND THE DATE ON WHICH IT SHOULD BE OPENED FOR SIGNATURE

6. In accordance with this resolution of the Council, the Secretary-General transmitted to Governments for their comments the draft Protocol proposed by the Group of Experts as amended by the Transport and Communications Commission and by the Council, and the final report (E/CN.2/119) of the Group of Experts, drawing their attention to the information and explanations contained therein. The Secretary-General requested from Governments their observations, if any, concerning the contents of the draft Protocol, the date on which they considered that the Protocol should be opened for signature, and information about their intentions regarding the signing of the Protocol when it had been opened for signature. He mentioned the fact that the Council, in addition to the provisions relative to the date which the Protocol would bear, reserved for decision at its seventeenth session indication of the closing date for the signing of the Protocol, the question of including a reservation clause, and the question of the authentic languages of the Protocol.

7. The Secretary-General had received, up to 23 December 1953, replies from the following Governments, containing their views on the above: Belgium, Cambodia, Canada, Ceylon, Denmark, the Dominican Republic, Finland, the Federal Republic of Germany, Greece, Portugal, Sweden, Syria, the United States of America, Uruguay, Vatican City and Venezuela.

8. It would appear from these replies that in the various regions of the world there is a continued interest in the establishment on a world-wide basis of a uniform system. However, Governments have varying approaches to this end. The Governments of Cambodia, Portugal, Syria, Uruguay and Vatican City are prepared to sign the Protocol when it is opened for signature. However, the two first-mentioned Governments indicate that they would not be able to implement fully the recommended new system in the near future, as would be permissible by the terms of the Protocol. The Government of the Dominican Republic has no objections, but states that the American system, at present used in that country, gives very good results. The Government of Uruguay considers that the adaptation of its present system of signs to the new one would not represent a major problem. The reply from Greece, while giving favourable consideration to the Protocol, does not indicate at what time the country may be prepared to sign; however, it stresses the fact that the 1949 Geneva Protocol is now implemented there. The Government of Finland favours the Protocol, but indicates the need for clarification of certain aspects. Similarly, the Government of Venezuela indicates the wish for amendment of the provisions relating to the sizes of certain road signs. In the view of the Governments of Belgium and Sweden, some of the provisions of the present text of the Protocol should be improved through further negotiation, and the Belgian Government proposes the convening of a working party or a conference of representatives of Governments for that purpose. Sweden also considers that, in view of the broad implementation of the 1949 Geneva Protocol, the introduction of the new system might split the present unity in this field in Europe. The Government of the United States of America, although unable to sign the Protocol, in view specifically of the particular administrative position in the United States with respect to road matters, supports the adoption of the Protocol by those countries able to do so, and considers it valuable as a guide to national practices.

9. The concern for achieving a high degree of uniformity within the region to which a country belongs is reflected in the replies of the Governments of Denmark and of the Federal Republic of Germany, and appears to be the main reason for which these Governments would not be prepared to sign the new Protocol. The Government of Denmark notes that the 1949 Geneva Protocol will establish a uniform system in the Scandinavian countries and in parts of the continent of Europe. The Government of the Federal Republic of Germany considers that the unification of road signs and signals might be continued on the basis of the Geneva Protocol. It does not seem to that Government absolutely necessary at this time to aim at unification on a world-wide basis; unification on a continental basis is, for the time being, considered sufficient.

10. Finally, the position taken by the Government of Ceylon not to follow the Protocol is explained by the fact that the system prescribed by the Protocol is not suitable for use in that country, and also for financial considerations.

ANNEX

VIEWS OF GOVERNMENTS CONCERNING THE PROTOCOL ON A UNIFORM SYSTEM OF ROAD SIGNS AND SIGNALS AND THE DATE ON WHICH IT SHOULD BE OPENED FOR SIGNATURE

BELGIUM

Generally speaking, the main concern of the experts who prepared this draft seems to have been to combine two different systems of signs and signals, particularly as regards the shape of the signs and the colours used for some of them. Moreover, under some of the provisions, variations in the general appearance of certain signs are possible; while other provisions, such as those relating to pavement markings (article 34), are so worded that the way in which they are to be carried out and the appearance of the markings are left entirely open. Such provisions are not conducive to the desired uniformity.

In conclusion, it would be advisable for the experts' proposals to be thoroughly examined by a working group or a conference in which all countries could participate and explain their views. There is no doubt that these proposals could be considerably improved.

Principal comments on the draft Protocol on a Uniform System of Road Signs and Signals

Article 3. In a number of countries, including Belgium, the name of the giver is allowed to appear on a danger-warning sign.

Article 5 (3). This article entirely changes the present system. Its adoption would mean that those countries which have conscientiously conformed to earlier protocols would have to change their system of signs and signals. The colour to be used for danger-warning signs does not seem to be very important. It should, moreover, be pointed out that, in the draft convention prepared by the League of Nations in 1933, no colour was specified for that type of sign. Although it is the intention of the present draft to abolish red as the colour for signs, the red border should be retained for the sign "Priority Road Ahead", which not only indicates a danger but also implies a compulsion.

Article 9. Paragraph 1 provides that the sign shall be in the form of an equilateral triangle with one point upwards. On the other hand, according to the table of symbols for danger-warning signs, the sign "Priority Road Ahead" is an equilateral triangle with one point downwards.

It would seem desirable to eliminate this discrepancy by rewording article 9, paragraph 1, as follows: "an equilateral triangle with one point upwards, except in the case of the sign 'Priority Road Ahead', which shall have one point downwards."

Article 12 (3). It is prescribed that the height of danger-warning signs shall be not more than 2.40 m. (8 ft) nor less than 0.60 m. (2 ft) except in built up areas or where other special circumstances demand otherwise. If the maximum height is fixed at 2.40 m., that means that the signs can be placed at any height below that, in which case it is difficult to understand the second part of the sentence.

It would be better to specify the normal height for signs (2.40 m.) and allow for some latitude in special circumstances, indicating the maximum and minimum heights which must be respected.

Article 13 (ii) and (iii). While the desire for accuracy which led the authors of the draft Protocol to propose five symbols in each case is certainly praiseworthy, the cost of carrying out these proposals must not be overlooked. This very fine distinction between the various cases that might arise will reduce the possibilities of mass production and make the process of supplying the regional services very complicated. It would be desirable to retain only the first symbol in sections (ii) and (iii) and symbol (iv).

Article 13 (iv). Presumably the symbol "Stop sign Ahead" will be used instead of the symbol (v) "Priority Road Ahead" when the stop sign provided for in article 18 is considered necessary; if not, symbol (iv) would only be another variation of the symbols in (iii). On the other hand, it is not clear why this sign does not automatically give the right of way to vehicles moving along the road which the driver is approaching.

In fact, sign (iv) is a "Priority Road Ahead" sign; it therefore serves no useful purpose, and it would be better to have sign (v) in every case.

Article 13 (xvi) and (xvii). These signs indicate more than danger; they imply a prohibition. They are regulatory signs, unless they are to be considered as advance warning of the signs in article 22 (v) and (vi). In that case it is difficult to see why no advance warning sign is provided for the sign in article 22 (vii) relating to limited tonnage.

Article 13 (xviii). Is this the sign to be placed at all level-crossings, or is it the St. Andrew's Cross referred to in article 15? The latter seems possible, since the sign is a cross with a section of railway line superimposed; on the other hand, a minimum angle is mentioned in the case of the St. Andrew's Cross, but not in article 13 (xviii). Or is it a sign to be used when the next sign (xix) is not used? In this case, why should the present sign (a railway engine) be abandoned? Care should be taken not to use a sign at guarded level-crossings which looks from a distance like a St. Andrew's Cross.

Sign (xviii) should be omitted.

Since the sign in the form of a St. Andrew's Cross is to be used only for unguarded level-crossings, it is difficult to see why it should be complicated by superimposing a section of railway line.

Article 18. Since the stop sign is a regulatory sign, why not keep the circular form characteristic of such signs? Furthermore, since this sign will be preceded by the advance direction sign "Priority Road Ahead", it would be preferable to retain the old sign which repeats the triangle with one point downwards. The same colour as that of the regulatory signs, i.e. red, could also be retained.

Article 20 (1). It is regrettable that some variation in the colour of the border is permitted, although hitherto signs indicating prohibition have always been characterized by a red border; now this colour is merely recommended (article 20 (4)). It should, as hitherto, be mandatory for signs indicating prohibition to have red borders.

Article 20 (3). The meaning of the oblique bar should not be mentioned at the beginning of the section dealing with regulatory signs, since it later transpires that the oblique bar does not appear in many of these signs.

This discrepancy is explained by the following: "Signs indicating limitation or compulsion shall be without such an oblique bar." Surely, however, limitation is a form of prohibition; for example, sign (v) restricts the width of vehicles, that is to say, vehicles having an over-all width exceeding three metres must not proceed along roads on which sign (v) has been placed. Furthermore, this is quite clear from the definition of this sign which contains the words "No entry".

Article 20 (4). The purpose of a regulation or prohibition is no longer either a prohibition, limitation or compulsion. It is an item of information for the motorist. Hence, this sign should be included in the category of signs giving general information and should not be red nor in the form of a disc.

Article 22 (i). The proposal to abandon the present sign, which is well known to everyone, can only be regretted, even though the proposed sign is more logical.

Article 22 (ix). The elimination of the oblique bar would not seem sufficient to indicate the meaning of this sign. It would be preferable to retain the existing provisions and not to use the same colour (red) for signs indicating compulsion and signs indicating prohibition.

Article 22 (x). It is difficult to see why the sign now in use in Europe to prohibit parking is not retained. To use the letter "P" to mean "Standing" (*stationnement*) would seem, to say the least of it, inadequate and likely to lead to confusion in view of the different meanings given to the words "Parking" (*Parcage*), represented by the letter "P", and "Standing" (*stationnement*).

Moreover, why should a special sign not be adopted to indicate standing on alternate days? That would eliminate the need for written indications.

Article 23. If uniformity is the objective, it would be advisable to specify how the signs are to be placed. Surely, signs which regulate the movement of traffic over a certain distance should be placed at both ends of the sector concerned and should be repeated at every crossroads so that persons entering that sector from side roads are immediately informed. Would it not also be advisable to specify the maximum distance between two consecutive signs?

Article 29 (2 b). Hitherto, the flashing red light has been used almost exclusively to indicate level-crossings without gates. In principle, the use of such a flashing red light to indicate a dangerous crossroads is admissible, but it would be highly desirable to leave this point open until agreement has been reached on the signs and signals to be used for level-crossings and until the single red intermittent light has been replaced by a double red intermittent light.

Article 32. The last paragraph states that a row of studs closely placed shall be taken to constitute a solid line. When are studs "closely placed"? This phrase is open to almost any interpretation. Only rows of contiguous studs should be taken to constitute a solid line.

Article 34. What is the real meaning of this article? To state that markings may be painted on the surface of the carriageway or indicated by other equally effective means is tantamount to leaving the manner of indicating these markings completely open, in which case the article is of little value in a protocol whose purpose is to achieve as much uniformity as possible.

CAMBODIA

The Royal Government of Cambodia is in complete agreement with the provisions of the Protocol in question, which was adopted at a meeting of the United Nations Economic and Social Council, and is prepared to sign the Protocol and comply with it fully.

At the moment, Cambodia is unable to give effect in its Territory to all the provisions contained in the Protocol. For example, the system of road signs and signals could not be entirely changed in the near future in order to bring it into conformity with the proposed new international system. The main obstacle is financial, and we cannot eliminate this obstacle as quickly as we should like. Obviously, however, we shall make every effort progressively to overcome the difficulties and gradually to carry out the full programme prescribed in the Protocol.

CANADA

The Government of Canada has taken note of the Protocol and has no observations to offer thereon for the time being.

CEYLON

New regulations prescribing signs and notices which are suitable for Ceylon were brought into operation only in February 1952. The present road signs and notices are satisfactory, and no change appears to be necessary. Some of the signs proposed will carry little or no meaning to the large majority of the drivers in Ceylon. In any case, the present financial situation does not justify any change, as this will involve the country in very heavy expenditure.

DENMARK

Inasmuch as the Government has been endeavouring to put into effect the provisions of the Protocol on Road Signs and Signals, signed at Geneva on 19 September 1949 by the representatives of Denmark, and since the signs and signals contained therein will establish a uniform system in the Scandinavian countries and parts of the Continent, the Government of Denmark does not feel itself able to sign the present Protocol.

DOMINICAN REPUBLIC

The competent Department of the Dominican Republic Government has no objections to formulate, although the

system of road signs and signals at present in use in the Dominican Republic, namely the American system, is proving highly satisfactory.

FINLAND

The Ministry of Transportation and Public Works considers that attempts to unify road signs and signals are highly necessary and believes that, under present circumstances, the prepared draft in general achieves its objective. However, the Ministry wants to make the following few comments and suggestions with regard to details:

Article 10. The Ministry suggests that the side length of the standard-size, triangular danger-warning sign be established at 0.7 m. (27 inches).

Article 13. The Ministry suggests that there be developed a general danger-warning sign which does not symbolize any specific danger. Where necessary, a specific danger could be pointed out by means of an additional sign. For budgetary reasons, such general warning signs as dangerous curve (i), road intersection (ii), and side road junction (iii) should be retained. Symbols denoting other specific conditions could either be added to these or separate signs could be used as desired. (See (vi) "Uneven Road".)

The significance of the sign "Priority Road Ahead" (v) varies in different countries. In some, it means that the road ahead actually is a major (priority) road. In others, this sign is found at isolated crossings, even though the road ahead does not continue as a major road. In such cases, uniform signs certainly should be used, and the Ministry believes that these signs, as well as the stop signs (article 18), should refer only to the crossing itself without indicating that the road ahead continues as a priority road. Similarly, when a danger-warning sign (iii) indicating a side road junction is set up on a main highway, the same type of sign should be used.

Article 14. Whenever a level-crossing sign is used as an advance warning sign, its nature as such should be clearly pointed out.

Article 18. As noted above, there should be accurate instructions covering the use of stop signs. The Ministry believes it should be possible to use these signs, regardless of the nature of the road ahead, wherever a compulsory stop is considered necessary, for example, at level-crossings. Furthermore, the Ministry realizes that, in bilingual districts in some countries, the word "stop" cannot be printed on the sign in the specific size.

Article 20. The Ministry believes the provisions in paragraph 4 covering signs denoting the end of some prohibition or limitation (e.g. end of speed limit) are too vague. After all, uniformity in the use and in the messages the signs carry is as important as uniformity of the signs themselves. Wherever the area of limitation to which a sign applies is clearly understandable cancelling signs should be dispensed with.

Thus the sign "Direction Prohibited" (article 22 (i)) is understood to apply up to the next intersection, and in the city for one block. This usage is fairly clear, although a man coming out of a gateway between the intersections could make a mistake and drive the wrong way. "Overtaking Prohibited" (article 22 (iv)) and especially "Speed Limit" (article 22 (viii)) signs definitely require cancelling signs. Signs prohibiting and limiting parking are also understood to apply only to the area between intersections. It should also be stated whether such signs (article 22 (x)) apply to both sides of a one-way street or only to the side on which they are posted.

Article 22. The Ministry suggests that a sign denoting a general prohibition of driving should be retained. The Ministry prefers the arrow design as a symbol for the "Overtaking Prohibited" sign (iv). It should be defined whether the prohibition applied to motor vehicles alone, or also, for example, to a bicycle. Likewise, it should be defined whether the signs denoting weight limitations (vii) apply only to one vehicle or to a combination of vehicles as well, such as a truck and its trailer. The Ministry considers that a specific "Stopping Prohibited" sign should be established. Inasmuch as the corresponding old European sign is not being retained, it would seem more appropriate that the "Parking Prohibited" sign (xb) be established to denote

unconditional prohibition against stopping, and that the sign "Restricted Parking" (xa) be used to denote limited parking (i.e., limited prohibition against parking), with the use of an additional sign to clarify the nature, time, etc. of the limitation. As they are proposed in the draft agreement, there is now scarcely any difference between the two signs ("Parking Prohibited" and "Restricted Parking").

Article 24. The Ministry objects most strongly to the elimination of yellow in the informative signs. The Ministry considers that signs belonging to this category are as important as the danger-warning signs. In some cases, as in direction signs (article 26) and advance direction signs (article 25) indicating schools, hospitals, etc., they act as danger-warning signs or serve as substitutes for them. In other cases, for example parking signs for buses, they usually contain a prohibition against parking in the near vicinity. The Ministry considers, therefore, that these signs should be given the most visible colours, specifically yellow and black, especially since the combination of black and white shows up very poorly against snow. Furthermore, the informative signs already differ quite sufficiently from danger-warning signs in appearance.

Article 28. The Ministry regrets that unified symbols have not been recommended for general information signs. For example, at present, under the Geneva draft protocol the colour and shape of the sign for priority road (III.A.8) is left to the decision of each country. Furthermore, as has been mentioned above, many informative signs have the nature of danger-warning signals and in some cases even the nature of prohibition and limitation signs. Therefore, the widest possible unification of these signs as well would be most desirable from the point of view of international travel.

The Ministry does not wish to make any comment regarding the date on which the draft should be accepted, but considers that Finland should join the agreement to be made as soon as possible, provided the agreement does not contain regulations unreasonably burdensome economically to the country.

GERMANY, FEDERAL REPUBLIC OF

The Government of the Federal Republic of Germany welcomes all measures that may contribute to uniformity in traffic law. It considers the draft Convention on Road Signs and Signals, which was enclosed with the above note, as a valuable contribution to the future development of international road law.

Regarding the contents of the draft Convention the following is to be observed:

In Germany, too, experience has shown that traffic signs which have a yellow ground with dark letters are of very good visibility. However, should this combination of colours be used in the future for danger-warning signs, it would be necessary in Germany to change the colours of route markers which are now yellow-black and which are excellently visible. The recommendation in article 24 of the draft Convention, which provides generally for route markers with dark letters, on a white ground would have the effect of reducing the visibility of the route markers, as far as Germany is concerned.

The proposed symbols of the danger-warning signs are approved in principle. Yet, in some cases minor changes are deemed desirable.

As regards the proposed regulatory signs, the Laender of the Federal Republic of Germany have doubts whether the arrangement of the stop sign is practicable. They think that a more conspicuous form is desirable.

The proposals regarding a uniform regulation of route markers are considered excellent by the Federal Republic of Germany. It therefore has incorporated these proposals in its domestic legislation. This was effectuated by way of the Ordinance concerning the Amendment of the Road Traffic Admission Ordinance and of the Road Traffic Ordinance (*Verordnung zur Änderung des Strassenverkehrs-Zulassungs-Ordnung und der Strassenverkehrs-Ordnung*) of 24 August 1953 (*Federal Law Gazette I*, page 1131).

The Federal Republic of Germany has also admitted so-called pointer-regulators (*Zeigerregler*) as official coloured traffic signal appliances in addition to the traffic light signals. These pointer-regulators are appliances in which a white pointer moves clockwise over a circular dial consisting of a green and a red space. By their position and by their point-

ing to the green or the red space of the dial, they indicate the phases of the signs "road free" (green) and "stop" (red), thus making it possible to discern the situation at any given moment. The change from "stop" to "road free" and vice versa is recognizable from a distance. Thereby the driver is placed in a position to adapt his speed to the regulation of the traffic, and his mental concentration on entering crossings and junctions is reduced. It can be stated that outside of Germany, too, the regulation of traffic by means of pointer-regulators meets with increasing interest.

In German traffic law, the flashing red light is reserved to the securing of level railway crossings and means "Stop! The railway crossing is blocked to carriage-way traffic." The Federal Government is of the opinion that flashing red lights should have the meaning of an absolute order to stop also in international regulation.

While the draft Convention under consideration indubitably marks remarkable progress in international road traffic law, it also involves, as was shown above, considerable disadvantages as far as the domestic traffic law of the Federal Republic of Germany is concerned. These disadvantages would be avoided if the international road law were developed in the future on the basis of the Geneva Protocol on Road Signs and Signals, dated 19 September 1949. Moreover, the preservation of this basis would also seem advisable for the following reasons:

It does not seem absolutely necessary to aim at a uniformity in road signs and signals on a world-wide basis. Instead it might be sufficient for the time being to achieve such uniformity on a continental basis.

The Geneva Protocol of 19 September 1949 has the advantage that it must be implemented within ten years, whereas the present draft convention does not provide for a period of time for its implementation. Hence, the danger exists that for many years to come not even each continent will have for itself uniform road traffic signs and signals.

The change of the present traffic signs and signals would require extremely high costs in a country such as the Federal Republic of Germany where road traffic has reached such a high stage of development.

The Government of the Federal Republic of Germany therefore does not consider it advisable to open for signature the draft Convention here under consideration. It is, however, perfectly willing to co-operate in the further development and in the unification of international traffic law on the basis of the Geneva Protocol on Road Signs and Signals of 19 September 1949.

GREECE

The Ministry of Public Works has ever since the winter of 1950 been systematically erecting traffic signs along the principal highways of the country in accordance with the provisions of the Convention on Road Traffic which was opened for signature at Geneva on 16 September 1949. Greece acceded to that Convention only fifteen months ago, by virtue of instrument No. 3079 of 30 June 1952 executed by the permanent representative of Greece before the United Nations.

The new convention which our country is now invited to sign and which was drafted by the competent departments of the United Nations for the purpose of introducing a world-wide system of road signs, introduces substantial variations from the Geneva Convention now in force. Our accession to the new convention will consequently entail some inconvenience, since it will necessitate changes in signs already erected, with which the public has become acquainted.

The proposed changes, aimed at establishing a world-wide system of road signs, seem desirable and will certainly not create insuperable difficulties. They will, however, involve this department in a loss both of time and money, which is the reason why we are bringing this point to your notice. We hope that, with your knowledge of the views of other European countries faced with problems similar to ours, you will at the proper time and without undue haste arrange for the accession of Greece to the new Convention.

PORTUGAL

Notwithstanding the profound modifications which the proposal in question will bring to the existing system of signalization, notably in so far as danger signals are con-

cerned, the Government of Portugal is prepared to give its adhesion to it in view of the stipulation to be found therein that the envisaged modifications will be adopted only in a gradual manner without any predetermined time limits as to the final objects to be attained.

SWEDEN

As late as 19 September 1949, at the United Nations Conference on Road Traffic in Geneva, a Protocol on Road Signs and Signals was signed by a number of Governments. The following European States have now ratified or acceded to this Protocol, viz., Czechoslovakia, Greece, Italy, Luxembourg, Monaco, the Netherlands and Sweden. Moreover, the provisions of the Protocol are applied in certain countries which have not ratified or acceded to it, such as France and Switzerland.

It would cause considerable cost and inconvenience for those States which apply the provisions of the Protocol of 1949 to accede now to a new treaty which on many points differs from those provisions. It is therefore not likely that those States will accede to such a treaty within the next few years.

The result of the entry into force of such a new treaty would therefore only be that the present unity in this field in Europe would be broken, which must be considered very unfortunate from the point of view of traffic security.

In this connexion, it should be recalled that at a conference held in Brussels in October 1953 the Ministers of Transport of Austria, Belgium, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Trieste, Turkey and the United Kingdom declared that they considered a world-wide co-ordination of road signs to be desirable in itself, but that the Protocol of 1949 represented the highest degree of unity which is possible at the present time in this respect in Europe. All the Ministers, except the Ministers of Turkey and the United Kingdom, appealed to the States which had not signed the Protocol of 1949 to accede to it.

As to the contents of the new draft Protocol, several objections could be made. The draft Protocol should therefore, in the opinion of the Swedish Government, not be opened for signature without further negotiation.

SYRIA

The Syrian Government has no observations to formulate concerning either the contents of the draft Protocol on a Uniform System of Road Signs and Signals, submitted to it by the above-mentioned note, or the opening time for signature of the said Protocol, the Syrian authorities being disposed to sign the latter as soon as it is opened for signature.

UNITED STATES OF AMERICA

The United States Government regards with satisfaction the work performed to date by the United Nations in preparing the Protocol on a Uniform System of Road Signs and Signals for world-wide application. The report of the United Nations group of experts, in which an officer of this Government participated as the regional representative for North America, is an excellent one. The Protocol represents a fair compromise among the various systems of signs and signals now in use, and incorporates many features of current American practice. The report may be said to have already accomplished its primary objective in establishing a desirable basis for world-wide uniformity. Whether or not the Protocol is signed and ratified by all nations as a binding international agreement, its value will be recognized as a guide to national practices.

The United States approves in principle the proposed draft Protocol on a Uniform System of Road Signs and Signals, but is unable to sign and ratify for the following reasons:

(a) All of the road signs and signals in this country are installed by the various political sub-divisions—states, countries, municipalities, etc. Since a substantial measure of uniformity has been achieved through voluntary adherence to the American Standard "Manual on Uniform Traffic

Control Devices" and through the administrative authority of the United States Bureau of Public Roads of the Department of Commerce, it does not appear desirable at present to endeavour to impose by law or treaty a single national system.

(b) Changes in the American Standard Manual, referred to above, are under consideration from time to time. There is need in the United States for a certain flexibility in specifications which would be impaired by adherence now to an international code.

The above observations are based on the special situation existing in the United States, where road mileage, vehicle usage, sign and signal installations and the legal authority of the individual states present a large and complicated problem. The observations would not appear to apply to many other nations in which the United Nations proposals could doubtless be adopted promptly and with relatively little difficulty, for example, those in which road-signs are still in an early state of development or those which have centralized national authority in such matters.

The following answers are submitted to certain specific questions posed by the Secretary-General:

(a) The United States has no technical observations to make on the specific contents of the draft Protocol on a Uniform System of Road Signs and Signals, which appear highly satisfactory for adoption in numerous countries. The United States hopes that the Protocol will be so adopted that the matter will be kept under review by the Economic and Social Council and its Transport and Communications Commission, and that the Secretary-General will report periodically on the status of adoption of the Protocol, or of the acceptance of its provisions by other means.

(b) The United States defers to the judgment of other Governments as to an appropriate date for the opening of the Protocol for signature.

(c) The United States is unable to sign or ratify the Protocol at present, but the appropriate agencies of the Federal Government will maintain contact with state and local authorities with a view to the eventual adoption by them, to as large an extent as possible, of the uniform standards set forth in the Protocol.

URUGUAY

The competent authorities of the Republic have no comments to make on the draft Protocol as they consider that, as far as international travel is concerned, great advantages will ensue from the application of the proposed system and that, so far as Uruguay is concerned, no major difficulties are involved in adapting the road signs and signals already in use in Uruguay to the new system.

Accordingly, I am happy to inform you that the Government of the Republic will sign the said Protocol at the appropriate time.

VATICAN CITY

The State of Vatican City has no comments to make on the contents of the draft Protocol.

With regard to the date on which the Protocol should be opened for signature, the State of Vatican City agrees to the date set by the United Nations Economic and Social Council at its seventeenth session. The State of Vatican City is prepared to sign the Protocol when it is opened for signature.

VENEZUELA²

With regard to the proposed draft Protocol, this Inspectorate takes the liberty of making the following observations:

According to the draft Protocol, triangular or diamond-shaped danger-warning signs and regulatory "Stop" signs are, each within its respective category, to be the same size, regardless of the position of the sign.

This Inspectorate considers that it would be better for the size of the signs to vary according to whether they are

² Extract of a note by the National Traffic Inspectorate addressed to the Ministry of Foreign Affairs.

to be placed in urban or rural areas, since different conditions of speed, visibility, attentiveness, lighting, etc. prevail in the two areas.

The following dimensions are therefore suggested:

For triangular danger-warning signs:

Rural areas: sides, 80 cm.

Urban areas: sides, 60 cm.

For diamond-shaped danger-warning signs:

Rural areas: sides, 60 cm.

Urban areas: sides, 50 cm.

For regulatory signs:

Octagonal "STOP" sign

Rural areas: 75×75 cm.

Urban areas: 60×60 cm.

Circular signs:

Rural areas: 50 cm. in diameter

Urban areas: 40 cm. in diameter.

The regulatory sign "Direction to be followed" is fairly common and important, since it is used to indicate the direction of traffic in cities; in order more properly to indicate its purpose, it should be a different shape from the disc recommended for regulatory signs.

We take the liberty of recommending that this sign should be a rectangle 76×25 cm. containing a white arrow on a black ground; the size of the arrow is indicated in the attached diagram.

We have no objection to the other types of signs: signs giving general information, traffic light signals (intermittent lights) and pavement markings.

DOCUMENT E/2523/Add.1

Note by the Secretary-General

[Original text: English, French and Spanish]
[22 March 1954]

INTRODUCTION

1. The views of Governments regarding the draft Protocol on a Uniform System of Road Signs and Signals (E/CN.2/119), which were communicated to the Secretary-General subsequent to the preparation of document E/2523, are summarized in the present addendum to that document; the full texts of the substantive portions of the various communications are reproduced in annex 1.

2. As a general consideration, it might be mentioned first that two Governments (Sweden³ and Switzerland) have referred in their communications to a resolution on the subject of road signs and signals, adopted by the European Conference of Ministers of Transport, which Conference is to become a permanent organization under the Protocol concerning the European Conference of Ministers of Transport, opened for signature at Brussels on 17 October 1953. This resolution is reproduced in annex II.

3. Furthermore, a resolution on the subject of road signs and signals has been received by the Secretary-General from the World Touring and Automobile Organization (OTA), which jointly represents, at the Economic and Social Council, the International Touring Alliance (AIT) and the International Automobile Federation (FIA); both of these have been placed in consultative status, category B. The resolution, adopted by the assembly of delegates of OTA, held in October 1953, is reproduced in annex III.

ADDITIONAL VIEWS OF GOVERNMENTS CONCERNING THE CONTENTS OF THE PROTOCOL AND THE DATE ON WHICH IT SHOULD BE OPENED FOR SIGNATURE

4. Since the issuance of document E/2523, which dealt with the replies received from sixteen Governments, the following eleven Governments have transmitted their views on the subject to the Secretary-General: Argentina, Australia, China, France, Haiti, Israel, Japan, Laos, Switzerland, United Kingdom, Yugoslavia.

5. The Government of Argentina states that the Protocol should be opened for signature as soon as possible, and that it is prepared to sign it subject to a reservation indicated in its reply.

6. The Government of Australia states that, in accordance with a recommendation by the Australian Transport Advisory Council, steps are contemplated for Australia to sign the Protocol, subject however to the right to exclude certain of the symbols unsuitable for Australian conditions. The formal concurrence of State Premiers would be necessary before arrangements could be made for Australia to sign. Australia further submits that it is too early to express any view on when the Protocol should be opened for signature. It states that only about one-third or less of the sixteen countries whose views are reported in document E/2523 would be likely to accept the Protocol in its present form, and consequently proposes that "if, when the views of a substantial majority of Governments are obtained, those views follow the pattern of the sample of sixteen in E/2523, consideration should be given to revision of the Protocol with a view to making it acceptable to a larger number of Governments and to ways and means whereby Governments in regions where uniformity exists might adopt the Protocol in a uniform way."

7. The Government of China suggests that the Protocol be opened for signature on 1 January 1954 and is prepared to sign it, subject to certain amendments included in its reply.

8. The Government of France states that the draft Protocol calls for reservations on its part, as it has adopted in its regulations on the subject the Protocol on Road Signs and Signals prepared and opened for signature at the United Nations Conference on Road and Motor Transport, Geneva, 1949. It is, however, prepared to participate in further studies which may be undertaken on the matter.

9. The reply from Haiti favours the proposed system, but does not indicate at what time it might be prepared to sign the Protocol.

10. The Government of Israel endorses the principle of unification and welcomes the possibility of the gradual application of the proposed system. Israel is particularly interested in an early entry into force of the new uniform system, but it submits a number of observations with regard to certain signs that would require amendment or clarification.

11. The Government of Japan has at present no objection to the contents of the Protocol, except for the

³ For reply of Sweden, see annex to document E/2523.

proposed amendment indicated in its reply. It is of the opinion that the Protocol should be opened for signature in or after 1955, for the reason indicated. However, it is still studying the draft Protocol and is not in a position to state its intention regarding the signing of the Protocol.

12. The Government of Laos, while prepared to sign the Protocol, states that it would not be able to implement it immediately under the present circumstances, but would do so gradually.

13. The Government of Switzerland states that the Protocol constitutes a useful basis for developing a world-wide system, but considers that its provisions should be discussed in detail by a conference of all interested Governments. The reply submits a number of observations on the draft Protocol and also draws attention to the resolution on road signs and signals adopted by the European Conference of Ministers of Transport (annex II), which recommends that countries represented at the Conference, which have not yet signed the Protocol of 1949, should accede to it.

14. The Government of the United Kingdom states that it does not consider it practicable to sign the Protocol in its present form. It would however be prepared to take part in further international discussions, if considered useful, with the object of achieving a wider measure of agreement on a modified version of the Protocol.

15. The Government of Yugoslavia submits some observations with regard to the design of symbols for certain signs.

SUMMARY AND CONCLUSIONS

16. The replies from twenty-seven Governments, contained in documents E/2523 and Add.1, may be summarized as follows:

(a) Governments prepared to sign without reservations: Cambodia, Laos, Portugal, Syria, Uruguay, Vatican City.

(b) Governments prepared to sign subject to various reservations: Argentina, Australia, China, Finland, Greece, Israel.

(c) Governments in agreement with the Protocol without reservations, but not stating explicitly their intention to sign: the Dominican Republic, Haiti.

(d) Governments in agreement with the Protocol with various reservations, but not stating explicitly their intention to sign: Japan, Venezuela, Yugoslavia.

(e) Governments not prepared to sign for various reasons: Belgium, Ceylon, Denmark, France, Germany (Federal Republic of), Sweden, Switzerland, United Kingdom, United States of America.

(f) Government offering no comments: Canada.

17. With few exceptions, replies from Governments indicate support of or continued interest in the principle and achievement of world-wide unification and, in a number of cases, agreement, with or without reservations, with the draft Protocol. However, the United States of America, although approving the Protocol in principle, is unable to sign it for the reasons indicated, while the replies from a number of other Governments, notably European Governments, similarly indicate serious obstacles with regard to the possibility of its early adoption, and that at any rate the Protocol would require revision or adaptation. In this connexion, it will be noted that many Governments have submitted in their comments a number of proposals for amendments to the Protocol. Belgium and Switzerland propose that a working group or conference of all governments concerned be convened for the purpose of revising the Protocol. France, and in a qualified way the United Kingdom, state their readiness to participate in further studies on the matter with the object of achieving a wider measure of agreement. Australia is of the opinion that consideration should be given to revision of the Protocol with a view to making it acceptable to a larger number of Governments, taking also into account the situation in regions where uniformity already exists.

ANNEX I

VIEWS OF GOVERNMENTS CONCERNING THE PROTOCOL ON A UNIFORM SYSTEM OF ROAD SIGNS AND SIGNALS AND THE DATE ON WHICH IT SHOULD BE OPENED FOR SIGNATURE

ARGENTINA

The Argentine Government is willing to comply with the draft Protocol, subject to the reservation that, in order to ensure the greatest possible safety in traffic, it will use, as danger-warning signs, the diamond-shaped sign consisting of a square with one diagonal vertical, as well as the triangular sign (equilateral triangle with horizontal base) to indicate serious hazards as provided for in the International Convention of Paris, 1926 (article 9 and annex F), the signs having the following normal dimensions: triangular signs: 1.07 m. base; square signs: 0.707 m.

As regards the date on which the Protocol should be opened for signature, since such an international instrument would constitute an important step towards the establishment of uniform road signs and signals, it considers that the date should be as early as possible.

When the Protocol is opened for signature, the Argentine Government will have no objection to signing it, subject to the reservation mentioned in the first paragraph.

AUSTRALIA

The Australian authorities have made the following comments on the Protocol, the date on which the Protocol should be opened for signature, and Australia's intentions regarding the signing of the Protocol.

Observations concerning the Protocol

The authorities responsible for the administration of road signs and signals in the six States and the Territories of Australia have indicated general support for the United Nations proposal for world unification.

Road signs and signals in use in Australia are based on the North American system, and broadly conform with those recommended in the Protocol.

While administration is exercised by the individual state and territorial authorities, there has been in force for many years an Australian Code, prepared by the Standards Association of Australia, prescribing standard rules for the design, location, erection and use of road signs, which is observed by all the authorities concerned.

The Code is at present being extensively revised, and as it is unlikely that it will be further amended for some years, the reviewing Committee decided, in anticipation of the Protocol being adopted, to include in the revised Code the recommended world standards. Typical of the amendments involved to bring the Australian Code into line with the Protocol are the following:

Slow sign: To be changed from octagonal to disc shape.

Symbols: Symbols to replace inscriptions where practicable and suitable for Australian conditions.

Regulatory signs: Colour scheme to be changed.

Advance level-crossing signs: Disc to be changed to diamond shape.

Date on which the Protocol should be opened for signature

From document E/2523 it appears that only about one-third or less of the sixteen countries whose views are reported would be likely to accept the Protocol in its present form. Almost as many, it seems, would not be likely to do so whilst others have indicated that they would wish to see the Protocol amended. Moreover, some of the European countries have indicated that they do not wish to see the regional uniformity already achieved in Europe disrupted.

In these circumstances, it is felt that it is too early to express any view on when the Protocol should be opened for signature. Before that question is taken up, it is felt that, if, when the views of a substantial majority of Governments are obtained, those views follow the pattern of the sample of sixteen in E/2523, consideration should be given to revision of the Protocol with a view to making it acceptable to a larger number of Governments and to ways and means whereby Governments in regions where uniformity exists might adopt the Protocol in a uniform way.

It should, however, be mentioned that amendment of the Protocol might reduce the probability of Australia adhering to it in view of the current revision of the Australian Code with the Protocol in its present form in mind (see under *Observations* above) and the decision already taken by the Australian Transport Advisory Council (see below).

Intentions regarding the signing of the Protocol

The Australian Transport Advisory Council, comprising the Ministers responsible for transport administration in the six States and two Territories of the Commonwealth of Australia, adopted the following recommendation of the Committee engaged in the revision of the Australian Code, to whom the question of whether Australia should become a signatory to the proposed Protocol on Road Signs and Signals was referred for an expression of views:

"This Committee recommends that Australia should reserve, for the time being, the right to exclude certain of the symbols not considered suitable for Australian conditions, and to continue in these instances to use inscriptions and also the right to use or substitute certain signs in a few cases.

"With these reservations, this Committee recommends to the Australian Transport Advisory Council that the Commonwealth Government should take steps for Australia to sign the Protocol."

However, as in the case of the Convention on Road Traffic, it will be necessary for the Prime Minister to obtain the formal concurrence of State Premiers before arrangements can be made for Australia to sign.

CHINA

It is noted that the draft Protocol provides for three different shapes for various types of danger-warning signs. With a view to ensuring uniformity, it would appear desirable to require all danger-warning signs to be in the shape of an equilateral triangle. This has been the rule in China, with satisfactory results.

It is noted that the draft Protocol provides that all regulatory signs shall, with the exception of the stop sign, be in the shape of a circle. With a view to ensuring uniformity, it would appear desirable to require all regulatory signs, without exception, to be in the shape of a circle. This has been the rule in China, with satisfactory results.

It is noted that the draft Protocol provides that all informative signs shall be in the shape of a rectangle. It would appear preferable for informative signs to be either rectangular or square. This has been the practice in China, with satisfactory results.

With a view to ensuring uniformity, it would appear desirable to require both danger-warning signs and regulatory signs to have a red border with white or light yellow background and black or other dark symbols. This has been the practice in China, with satisfactory results.

Among danger-warning signs, it would appear desirable for the dangerous-hill sign to indicate the grade, i.e., the rate of ascent, e.g., 10 per cent or 1:10.

In addition to the danger-warning signs provided for in the draft Protocol, it would appear desirable to include an "Other Danger" sign.

In addition to the regulatory signs provided for in the draft Protocol, it would appear desirable to include the following four signs:

- (a) "Closed to All Vehicles";
- (b) "No Entry for Any Vehicles";
- (c) "End of Speed Limit";
- (d) "Overtaking Prohibition Released".

It is further suggested that the Protocol should be open for signature on 1 January 1954. If the draft is amended in accordance with the observations set forth above, the Chinese Government is prepared to sign the Protocol as soon as it is open for signature.

FRANCE

The French Government must make reservations as to the draft Protocol on a uniform system of road signs ... in its present form, because that Government has adopted in its regulations on the subject the provisions of the Protocol signed at Geneva in 1949.

...France is prepared to participate in any further study which may be undertaken on the matter.

HAITI

The Haitian Government considers that the signs proposed in the draft Protocol, although in the form of symbols, can be easily understood by persons of different languages. It may, however, be helpful to add supplementary information on a rectangular panel placed beneath the sign, in order to make the symbols easier to understand.

ISRAEL

The principle of unification of road signs is approved as an important contribution to the securing of road safety.

Article 1.

The possibility of gradual adaptation of the existing road-sign system to the proposed system, without placing a heavy financial burden on the authorities concerned, is welcomed.

On the other hand, Israel is particularly interested that the new uniform system should come into force as soon as possible, as Israel is in the process of completing the erection of new road signs, and it would be preferable if the new signs in Israel were in accord with the new international system.

Article 4.

The sub-paragraph dealing with regulatory signs refers only to "limitations, prohibitions and restrictions" without making mention of affirmative rules. It is suggested, therefore, to add after the word "restrictions" the words: "or other affirmative rules".

Article 13 (xiii).

It is questionable whether this sign properly belongs in the category of danger-warning signs. This sign is chiefly in use in towns or other built-up areas and only rarely elsewhere. The speed of a vehicle approaching such crossings will, therefore, be always relatively controlled and the need for a warning sign placed at some distance before such crossings does not appear to be essential.

Our principal objection to the classification of this sign as a danger-warning sign is the positive need to inform the public of the place of such a crossing by a sign, and not only by markings on the road surface. There is certainly no need to stress the importance of concentrating the crossing of the carriageway at fixed and especially laid-out crossings. The rules of the road in many countries give the pedestrian the right of way against vehicular traffic only if he crosses the carriageway within such crossing.

It is considered that the suggested warning sign cannot serve this purpose and it is suggested, therefore, that this sign be included in the category "Informative Signs".

Article 13 (xvi) and (xvii).

There is some duplication here, for similar signs are suggested among the regulatory signs (v) and (vi). Besides the fact that such a duplication is in contradiction to the declared tendency of limiting the number of danger-warning signs, we consider that if the passage of vehicles having dimensions above the clearance given is dangerous, such passage of vehicles should be prohibited. We suggest, therefore, the deletion of these two signs from the list of danger-warning signs.

Article 13 (xviii).

The change from the symbol of the railway engine is regretted, the old symbol being clear and vivid. In expressing this regret, the recommendations of article 14 are not overlooked.

Article 18.

The suggested new sign is welcomed in principle. The inscription of the word "stop" or its equivalent in the Hebrew language, does not constitute any difficulty in countries where the word "stop" can be used. In other countries, however, and especially in those not using Latin characters, there are some difficulties: in all such countries there will be many drivers who cannot read the Latin characters, and in the case of Israel, it will be necessary to add to the Hebrew equivalent of the word "stop" an appropriate Arabic translation, in addition to the word "stop" in Latin characters. This will create certain difficulties, which it is thought could be easily avoided by restricting the octagonal shape to this sign alone. The shape of the sign will be self-explanatory without there being any need for an inscription. The same system is suggested in article 13, sign (v) "Priority Road Ahead", where the very shape of the sign determines its meaning.

It is suggested therefore that the "stop sign" be represented by octagonal shape, without any inscription.

Article 19 (2)

It is often impossible to place the "stop sign" in the immediate vicinity of the point where the vehicle is required to stop. It is therefore desirable that a stop-line always be laid out in addition to the stop sign marking the exact place where the vehicle is to stop. See also article 32.

Article 20 (4)

The provision suggested is to some extent in contradiction with the principle of avoiding inscriptions wherever possible.

It is suggested that the end of a regulation or prohibition be indicated by the same sign indicating the regulation or prohibition area, but with an oblique bar as fixed in the sign II.A.15 of the 1949 Geneva Protocol.

Article 22 (i) and (ix)

The arrangements suggested do not appear to solve the problem of adequate signing of one-way streets. Though the sign (i) is sufficient to indicate the prohibition of driving in the prohibited direction, it does not solve the problem of the driver entering a one-way street from the direction permitted, entering a court-yard, and later coming out from it and returning in the direction from where he came without knowing that travelling in this direction is prohibited. Therefore an indication of the prohibited direction should be given also to the driver entering from the direction allowed.

This problem could be solved by using the sign (i) with the arrow pointing downwards, if there is agreement that such an arrow pointing downwards concerns the direction opposite to the one in which the driver is travelling.

Article 22 (x)

A sign prohibiting halting is also considered necessary. There are many instances in towns and cities where any standing vehicle—for whatever length of time—constitutes a serious obstacle to the unobstructed flow of traffic. Such a sign could have the form of sign II.A.18 of the 1949 Geneva Protocol, or of a simple red disc without any inscription.

Regarding the suggested sign (x) a and b, here again the question arises of lettering in countries not using Latin characters.

Article 29

Regarding the amber period it should be stressed that this period is principally the "clearing period"—to clear the

intersection as, for example, in the case of a vehicle waiting within the intersection to complete a left turn which it was prevented from doing by oncoming traffic from the opposite direction.

The showing of an amber light after the red—but together with the red—should be allowed. It would indicate that the green light will appear immediately and would enable drivers to prepare to start. This would contribute to the speeding-up of traffic.

It is noted that no mention is made of the use of green arrows permitting certain turns and prohibiting others.

Article 34

No mention is made of "delineators" marking the outer edge of the carriageway at curves, at places where the carriageway narrows, before the entrance of narrow bridges, etc. Delineators are, in our opinion, of great value, especially at night, and they were provided for in article 35 of the 1949 Geneva Protocol.

JAPAN

The observations of the Japanese Government and the information regarding the signing of the Protocol, which should not be understood as final,⁴ are as follows:

Observations on the contents of the draft Protocol on a Uniform System of Road Signs and Signals.

The Japanese Government has no objection to the contents of the draft Protocol at present.

Observations on the date on which the Japanese Government considers that the Protocol should be opened for signature.

The Japanese Government is of the opinion that the Protocol should be opened for signature in or after 1955 in view of the fact that sufficient time has not elapsed since the present system of road signs and signals came into existence in Japan.

Information about the intentions of the Japanese Government regarding the signing of the Protocol.

The Japanese Government is still studying the draft Protocol and is not in a position to state its intentions on this matter.

LAOS

The Royal Government of Laos fully approves the provisions of the Protocol on a Uniform System of Road Signs and Signals, and is prepared to sign it.

Unfortunately Laos will be unable to put the provisions of the Protocol into immediate effect, because of the present insecurity in the country. It will, however, be possible to make the change from the existing system gradually as circumstances permit, and in accordance with the provisions of the draft Protocol.

SWITZERLAND

The Police Division of the Federal Department of Justice and Police (the competent Swiss authority in the matter) has carefully studied the draft protocol and considers that it constitutes a useful basis for developing a world-wide system of road signs and signals. In the final report which it submitted to the sixth session of the Transport and Communications Commission, the group of experts recommended "a direct exchange of views by Governments, such as can be achieved only at a conference". The Police Division regrets that this suggestion has not been adopted. Indeed, it finds it impossible to accept *en bloc* a system of road signs and signals without first having the opportunity of discussing certain problems. It feels therefore that, if the procedure of developing the system were to follow the proper course,

⁴ The following additional observation was received subsequently:

In Japan, an arrow-head light is installed additionally to, or separately from, the traffic light signal, in order to give operational instructions to the tramway car. Under the traffic conditions in Japan, this signal is considered to be indispensable for the maintenance of the smooth operation of tramway cars.

It is, therefore, desirable to set up in part III a provision to the same effect as paragraph 5, article 5, in part II.

all the States concerned should be given the opportunity of meeting at a conference in order to discuss article by article this document which has been drawn up merely by a few experts.

The Police Division further points out that the European Conference of Ministers of Transport, held at Brussels from 12 to 17 October 1953, recommended (resolution No. 2 of the Road Transport Committee) that the 1949 Protocol should be adhered to for the present. The resolution also recommends that all countries should accede to it.

In response to the request in the letter from the Secretary-General of the United Nations of 29 May 1953 (ECA/125/2/07), the Police Division submits herewith the following not necessarily exhaustive comments on the text of the draft:

Article 6

We consider that the world-wide system should seek to standardize symbols, which are of primary importance, and that the matter of the shape and colour of signs should be left for regional agreements, such as the 1949 Protocol.

Article 8

White danger signals have been used successfully in Switzerland over a long period of time. We propose that article 8 should not be compulsory and that it should be given more flexibility.

Articles 13, 14, 15 and 16

We recommend that all the problems involved in the provisions on level-crossing signs should be examined in the light of the discussions of the Joint Working Party on Safety at Level Crossings.

Article 22 (i)

This sign does not make clear to the driver whether traffic is prohibited in both directions or only in one direction. Would it not be better to abandon this sign and re-adopt those of the 1949 Protocol (II.A.1 "Closed to All Vehicles in Both Directions" and II.A.2 "No Entry for All Vehicles")?

Article 22 (ix)

The colours adopted for the sign "Direction to be followed" change our system and that of the 1949 Protocol (II.B.1) completely, although this change seems unnecessary.

Article 22 (x).

The difference in meaning between these two signs (Restricted Parking and Parking Prohibited) is not clear. We feel that this problem should be reconsidered.

Article 22, recommendation ii

We are not clear about the exact meaning of this sign. Is it the equivalent of sign II.A.5 (No Entry for All Motor Vehicles except Motorcycles without Side-cars) or of sign II.A.7 (No Entry for All Motor Vehicles) of the 1949 Protocol?

Article 28 (2).

We see no need for the compulsory adoption of the same colour for signs indicating a locality as for direction signs. Such a provision would change our whole system. In fact, white or blue signs serve to indicate a main road with right of way or merely a secondary road.

Article 29, 2 (b)

The red light, whether intermittent or not, should always indicate, in our view, that the vehicle should remain at a complete standstill as long as the light is on. We cannot therefore endorse this provision.

We have also noted the absence of several important signs which are very widely used. They are as follows:

"Other Danger" (No. I.21 of the 1949 Protocol);

"No Entry for Motorcycles without Side-Cars" (No. II.A.6 of the 1949 Protocol);

"Stop (Customs)" (No. II.A.17 of the 1949 Protocol);

"Compulsory Cycle Track" (No. II.B.2 of the 1949 Protocol).

"Hospital" (No. III.A.2 of the 1949 Protocol).

Should the procedure, advocated by the Police Division be adopted, it reserves the right to raise other aspects of the problem.

UNITED KINGDOM

While Her Majesty's Government welcomes the further step towards achieving international uniformity in this important matter which is represented by the draft Protocol, it does not consider that it is practicable to sign it in its present form. It notes that the position in this matter of some other countries with an important interest in the question is similar. If, however, it were considered useful to engage in further international discussions with the object of achieving a wider measure of agreement on some modified version of the present proposals, Her Majesty's Government would be ready to participate.

YUGOSLAVIA

With respect to the symbols on the various signs (article 13 of the Protocol), no comments are made with the exception concerning the sign "Slippery Road" which is not sufficiently visible so that the traces of the skidding of the car should be indicated in a more visible way.

Similarly, the sign for "Overtaking Prohibited" (article 22 of the Protocol) should be designed for greater visibility as the line which indicates overtaking crosses the overtaking car, which is thus nearly entirely covered. In order to indicate in a clearer way the overtaking sign, in particular for high speeds or unfavourable atmospheric conditions, this sign should bear, instead of an overtaking car, a semi-circular arrow stating at the bottom of the sign, crossing the line, and ending in front of the car which it is prohibited to overtake.

ANNEX II

RESOLUTION CONCERNING ROAD SIGNS AND SIGNALS ADOPTED BY THE EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT ON 15 OCTOBER 1953

The Ministers of Transport of Austria, Belgium, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the Free Territory of Trieste, Turkey and the United Kingdom, meeting in Brussels from 13 to 17 October 1953,

Emphasizing the special importance they attach to the rational development and improvement of road traffic,

Note that uniform regulations are essential to such development;

Consider it desirable that co-ordination in this field should be achieved on a world-wide basis;

Considering, however, that, at present, the Protocol on Road Signs and Signals of 1949 provides, as far as Europe is concerned, the greatest uniformity in this respect,

Recommend that countries represented at the Conference which have not yet signed the Protocol of 1949, should accede to it.⁵

⁵ The Ministers of Transport of the United Kingdom and of Turkey stated that they could not support the recommendation contained in the last paragraph of the above resolution, as their respective countries did not intend to ratify the 1949 Protocol.

ANNEX III

RESOLUTION REGARDING THE UNIVERSAL ADOPTION OF A UNIFORM SYSTEM OF ROAD SIGNS AND SIGNALS, ADOPTED BY THE ASSEMBLY OF DELEGATES OF THE WORLD TOURING AND AUTOMOBILE ORGANIZATION (OTA) ON 13 OCTOBER 1953

The Assembly of Delegates,

Having taken note of the Protocol concerning a standard system of road signs and signals, on the contents of which the Secretary-General of the United Nations has been instructed to continue consultations,

Recognizing the importance of a standard and universal system of road signs and signals which could serve as a model to which eventually, and at an unspecified date, road signs and signals in all countries would conform,

Being of the opinion that the proposed system could be still further improved in certain respects and that the details of the system should be revised,

Considers:

(a) That a model, universal system of road signs and signals

could most easily be finalized during an international conference convened for this purpose, once States had given their agreement in principle on the objective and on the general lines of the proposed draft;

(b) That the ultimate installation of signs and signals in conformity with the model system which might be adopted, should, in certain regions where international road traffic is particularly dense, be undertaken in accordance with a regional agreement limiting the period of transition from one system to the other, in order to avoid a situation in which the efforts made towards greater standardization resulted in practice in destroying a uniformity already achieved on a regional basis, and in enhancing, instead of abolishing, the multiformity of the systems in use, thereby increasing the disadvantages resulting from such multiformity.

DOCUMENT E/2523/Add.2

Note by the Secretary-General

[Original text: French and Italian]
[30 March 1954]

1. The views of Governments concerning the draft Protocol on a Uniform System of Road Signs and Signals, which were communicated to the Secretary-General in response to a request made by him in accordance with resolution 468 D (XV) of the Economic and Social Council, were reproduced in documents E/2523 and Add.1. The present note contains the comments received subsequent to the preparation of these documents of the Governments of Italy, Luxembourg and Monaco, as well as a supplementary communication from the Government of Switzerland.

2. The views expressed in the replies from the above Governments are similar to those of the majority of the European Governments which have replied thus far, i.e., that the adoption and signature of the Protocol in its present form is not practicable.

ANNEX

VIEWS OF GOVERNMENTS CONCERNING THE PROTOCOL ON A UNIFORM SYSTEM OF ROAD SIGNS AND SIGNALS AND THE DATE ON WHICH IT SHOULD BE OPENED FOR SIGNATURE

ITALY

The Italian Government is unable to adopt the new Protocol on a Uniform System of Road Signs and Signals on the basis of the following considerations:

Although it unquestionably marks a distinct advance towards the introduction of a uniform system of road signs and signals, the draft Protocol presents the following disadvantages:

(a) The endeavour to reach a compromise between the various systems of road signs and signals already in existence has resulted in such liberty being left in the choice of the form and colour of signs that very often the objective of attaining uniformity is defeated.

(b) The draft does not establish any time-limit for the introduction of the new signs; hence there is no means of foreseeing when the desired uniformity may be achieved.

(c) The implementation of the plan entails the replacement of nearly all the existing signs and signals, which would involve considerable expenditure.

(d) A uniform system of signs and signals based on the Geneva Protocol of 1949 is already being put into effect in Europe and it is hoped that uniformity will be achieved throughout the Continent. If a new protocol is adopted, the interruption in this process of standardization will be a hindrance rather than a help to international traffic for which at the present time the most urgent need is undoubtedly a uniform system of road signs and signals in Europe, since such traffic is almost entirely restricted to the European Continent.

In the face of these considerations and in view of the fact that Italy has already ratified the Geneva Protocol of 1949 and is in the process of introducing the system of signs and signals therein recommended, it is not considered advisable to introduce a new protocol at present.

LUXEMBOURG

Having ratified the Geneva Protocol on Road Signs and Signals of 19 September 1949, the Grand Duchy of Luxembourg has brought its system of signs and symbols into conformity with this Protocol. For this reason, the Government of Luxembourg finds it very difficult to sign a convention which would have the result of once again altering road signs and signals. That is why the Government does not at present contemplate signing the new Protocol.

MONACO

Monaco, which has always in its modest way supported the efforts of the international community to standardize road signs and signals, is pleased to note the United Nations attempt to unify road signs and signals throughout the world. Consequently, it would be prepared to sign a Protocol on a Uniform System of Road Signs and Signals if it was sure that the instrument was likely to be signed by a sufficient number of parties so that it could be regarded as a universal code. It seems, however, from the opinions already expressed by certain Governments, that, for fully understandable reasons, the draft Protocol will not receive unanimous support.

That being so, the Government of the Principality believes that it would be premature to open the Protocol on a Uniform System of Road Signs and Signals for signature since it would not achieve its aims. The Government reserves the right to reconsider its position in the light of the work of the seventeenth session of the Economic and Social Council, and hopes that, pending a universal solution of this problem, the provisions of the Protocol on Road Signs and Signals signed at Geneva on 19 September 1949, to which the Principality of Monaco has acceded, will be applied as widely as possible.

SWITZERLAND

Switzerland feels unable to accept *in toto* a system of road signs and signals until it has first had the opportunity of discussing certain problems. The competent Swiss authorities do not, therefore, intend to sign the proposed instrument in the form in which it is proposed.

Moreover, the observations of the competent federal authorities on the draft text were made in reply to an enquiry from the Secretary-General of the United Nations. They were only intended to define the Swiss authorities' position in case a conference for the purpose of discussing the draft were convened.

DOCUMENT E/2523/Add.3

Note by the Secretary-General

[Original text: English and Spanish]
[28 April 1954]

Since issuing documents E/2523 and Add.1 and 2, the Secretary-General has received the views of the Governments of Austria, Chile and Korea on the points mentioned in resolution 468 D (XV) of the Economic and Social Council. The texts of the replies from the above Governments are set out in the annex hereto.

ANNEX

VIEWS OF GOVERNMENTS CONCERNING THE PROTOCOL ON A UNIFORM SYSTEM OF ROAD SIGNS AND SIGNALS AND THE DATE ON WHICH IT SHOULD BE OPENED FOR SIGNATURE

AUSTRIA

The Austrian Government is not able to adopt the new Protocol.

CHILE

The Government of Chile makes the following observations on the draft Protocol.

Considering that the symbols recommended by the United Nations group of experts (E/CN.2/119) have been tested in many parts of the world, including our own country, the Department of Public Works on 3 July 1953 promulgated decree No. 863, incorporating into Chile's existing system of road signs and signals the thirty-one danger-warning signs and the sixteen regulatory signs which are listed in the draft convention, and which are the same as those contained in the draft protocol, with the following exceptions: In the stop sign, the word "stop" is replaced by the word "pare" and the vertical bar is eliminated. In parking signs the letter "P" is replaced by the letter "E".

Since a great deal of work is involved, these regulations will be applied gradually, until the entire existing system of signs and symbols has been altered.

In accordance with the decree mentioned above, the Roads Division is preparing regulations covering the country's system of road signs, which will be completed within two months.

To sum up, Chile has accepted the new system and has no further observations to make. It therefore approves the draft Protocol on a Uniform System of Road Signs and Signals.

KOREA

The Government of the Republic of Korea gives its support to the contents of the draft Protocol, and the signing of the Protocol by this Government shall be considered when the draft Protocol is finalized and opened for signature by the Economic and Social Council.

DOCUMENT E/L.580

France and United States of America: draft resolution

[Original text: English]
[30 March 1954]

The Economic and Social Council,

Having examined the communications from the Secretary-General (E/2523 and Add.1) setting forth the results of his consultations made in pursuance of Council resolution 468 D (XV) of 15 April 1953 concerning the preparation of the Protocol on a Uniform System of Road Signs and Signals,

Noting that many countries have not yet submitted their observations on the Protocol and that a considerable divergence of views is shown by those observations which have been received,

1. *Requests* the Transport and Communications Commission to place this matter upon the agenda of its next session with a view to the preparation of appropriate recommendations as to any further action which may be deemed desirable;

2. *Further requests* all Governments which have not already done so to submit their observations to the Secretary-General as promptly as possible.

(b) Pollution of sea-water: report by the Secretary-General on developments since the adoption of Council resolution 468 B (XV)

DOCUMENT E/2522

Report by the Secretary-General

[Original text: English]
[22 January 1954]

1. At its fifteenth session, on 15 April 1953, the Economic and Social Council adopted resolution 468 B (XV) on pollution of sea-water in which the Council:

"Authorizes the Secretary-General to request the governments of Member States interested in the matter to make experts in this field available to him, at the expense of those governments, with a view to correlating the studies and other communications submitted by interested governments, and drawing such conclusions as may be appropriate, for transmittal to the Inter-Governmental Maritime Consultative Organization when that organization shall have started its activities, provided:

"(a) That at least three governments are prepared to follow this course; and

"(b) That the Secretary-General be authorized, if he finds that this expense can be covered under present budgetary appropriations, to cover some or all of the expense involved out of the regular budget of the United Nations."

2. In compliance with this resolution, the Secretary-General approached the Governments of Member States interested in the matter, asking them whether they would be prepared to make experts in this field available to him. Three Governments agreed in principle: France, the Netherlands and the United Kingdom.

3. Subsequently, the last-named Government informed the Secretary-General by a note dated 6 November 1953 (see annex) that, in view of the increasing seriousness of the pollution of the coasts of the United Kingdom, and following consideration of the recommendations of a committee it had appointed to consider the matter, it proposed to issue invitations to the major maritime powers to attend an *ad hoc* diplomatic conference in London on the subject early in 1954, and also to send an invitation to the United Nations to be represented. It stated further that any agreement which might emerge from such an international meeting would be brought within the scope of the Inter-Governmental Maritime Consultative Organization (IMCO) when it is set up, in the same way as the International Convention on the Safety of Life at Sea.

4. The Government of the United Kingdom also expressed the opinion that in the circumstances "there would be no point in proceeding with the setting up of a technical committee on the lines proposed by the Transport and Communications Commission in February 1953 and agreed to by the Economic and Social Council at its fifteenth session; and although the United Kingdom has indicated its willingness to provide an expert, it would now wish to reserve its position in that matter".

5. The Government of the United Kingdom further enquired whether the United Nations Secretariat would be

prepared to make available to such an international conference the information which had been furnished by the various Governments.

6. In his reply, the Secretary-General stated that due note had been taken of this information, and in particular of the intention that any agreement resulting from the meeting would be brought within the scope of IMCO when it is set up and that a representative of the United Nations Secretariat would be invited to attend the meeting.

7. The Secretary-General further noted the reservations made by the Government of the United Kingdom with regard to the setting up of a technical committee on the lines of Council resolution 468 B (XV) and to the provision of an expert for this technical committee. He added that, in the light of the foregoing he had proposed that an item including the question of the pollution of sea-water be placed on the provisional agenda of the seventeenth session of the Council.

8. Finally, in answer to the enquiry from the Government of the United Kingdom, he expressed the Secretariat's willingness to make available to the international conference information transmitted by various Governments on the subject, and he communicated this information.

9. Subsequently, by a letter dated 5 January 1954, the Government of the United Kingdom informed the Secretary-General that it proposed that an international conference on the pollution of the sea by oil should open in London on 26 April 1954, and invited him to send an observer to this conference. The letter added that invitations had been sent by the Government of the United Kingdom to (a) countries which took part in the Safety of Life at Sea Conference (1948); (b) additional countries which have accepted the 1948 Convention on the Safety of Life at Sea; (c) other countries with more than 100,000 gross tons of shipping (excluding ships of less than 500 gross tons).

10. In the invitation addressed to Governments it is stated that, as the aim will be to reach agreement on the terms of a convention, the Government of the United Kingdom suggests that the representatives of the invited Governments should include delegates duly empowered to act as plenipotentiaries. The invitation further mentions that "it is of course understood that any convention which may be agreed upon at this conference should be brought within the scope of the Inter-Governmental Maritime Consultative Organization when it is set up, in the same way as the International Convention for the Safety of Life at Sea, 1948".

11. The above information is brought to the attention of the Council which may wish to reconsider its previous decision concerning this matter in the light of the new developments.

ANNEX

COMMUNICATION DATED 6 NOVEMBER 1953 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL

Following consideration in March 1951, by the Transport and Communications Commission of the Economic and Social Council of the question of oil pollution of the sea, the Council decided in August 1951 that the question should be dealt with by the Inter-Governmental Maritime Consultative Organization (IMCO) when it started functioning. Subsequently, the Transport and Communications Commission, at its sixth session in February 1953 proposed to the Economic and Social Council, and the latter agreed at its fifteenth session, to request the interested Governments to make experts available to the Secretary-General for the purpose of examining the documentation available and of drawing appropriate conclusions for transmittal to IMCO.

In view of the increasing seriousness of the pollution of the coasts of the United Kingdom, Her Majesty's Government appointed a committee in September 1952 to consider the matter. The committee reported in July last, and following consideration of its recommendations, Her Majesty's Government has now come to the conclusion that no time should be lost in convening a conference of the major maritime Powers to consider the problem. For procedural reasons it seems unlikely that such a conference could take place under the aegis of the United Nations in the near future, and in the circumstances. Her Majesty's Government in the United

Kingdom is proposing to issue invitations to the major maritime Powers to attend an *ad hoc* diplomatic conference in London on the subject as early in 1954 as possible. An invitation would of course be sent to the United Nations to be represented. The intention is that any agreement which might emerge from such an international meeting would be brought within the scope of IMCO when it is set up, in the same way as the International Convention on the Safety of Life at Sea.

In the circumstances it appears to Her Majesty's Government that there would be no point in proceeding with the setting up of a technical committee on the lines proposed by the Transport and Communications Commission in February 1953, and agreed to by the Economic and Social Council at its fifteenth session; and although the United Kingdom has indicated its willingness to provide an expert, it would now wish to reserve its position in that matter.

I am to enquire whether the United Nations Secretariat would be prepared to make available to such an international conference the information which has been furnished by the various Governments on this subject in anticipation of consideration of the matter by IMCO when it has been set up.

DOCUMENT E/L.581

United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[30 March 1954]

The Economic and Social Council,

Recalling its resolution 468 B (XV) on Pollution of Sea-Water,

*Taking note of the report of the Secretary-General (E/2522) which informs the Council that the United Kingdom Government has convened an *ad hoc* diplomatic conference in London on 26 April next on this subject, and that any convention which might be agreed upon at this conference would be brought within the scope of the Inter-Governmental Maritime Consultative Organization when it is set up,*

Noting furthermore that the Secretary-General has been invited to be represented at this conference,

Instructs the Secretary-General:

(a) To postpone further action with respect to the convening of the committee of experts foreseen in resolution 468 B (XV), pending the outcome of the conference; and

(b) To report to the eighteenth session of the Council on the results of the conference to enable the Council to decide whether it is any longer necessary to establish a committee of experts for this purpose.

(c) Situation with respect to ratification of the Inter-Governmental Maritime Consultative Organization: report by the Secretary-General on developments since the adoption of Council resolution 468 C (XV)

DOCUMENT E/2520

Report by the Secretary-General

[Original text: English]
[21 January 1954]

1. At its fifteenth session, on 15 April 1953, the Council adopted resolution 468 C (XV) on the "Situation with respect to ratification of the Convention on the Inter-Governmental Maritime Consultative Organization" (IMCO) the operative part of which provides: (a) that the Secretary-General be instructed to continue his efforts to secure the entry into force of the Convention; and (b)

that those States which have accepted the Convention be invited to consider what measures might be taken with a view to hastening the bringing into being of the organization.

2. The Secretary-General brought this resolution to the attention of Governments in his note (ECA 74/02) of 13 May 1953.

3. In compliance with paragraph 2 of this resolution and on the initiative of the Government of the United Kingdom, representatives of the fourteen Governments which have accepted the Convention met in London on 27 and 28 October 1953 to consider what could be done to hasten the bringing into being of the organization. The meeting was attended by representatives of Argentina, Australia, Belgium, Burma, Canada, the Dominican Republic, France, Greece, Haiti, the Republic of Ireland, Israel, the Netherlands, the United Kingdom, the United States of America, and by observers from the United Nations and the Preparatory Committee of IMCO.

4. By a note dated 16 November 1953 (annex I), the Government of the United Kingdom, at the request of the meeting, transmitted to the Secretary-General a report to the United Nations adopted by the meeting (annex II). The Government of the United Kingdom requested that the Secretary-General send copies of this report to all Members of the United Nations and to all other eligible Governments,⁶ and place it before the Economic and Social Council at the earliest opportunity.

5. Accordingly, the Secretary-General circulated the above-mentioned report to all Members of the United Nations and to all other eligible governments by a note (ECA 74/02) dated 3 December 1953.

6. The report to the United Nations by the fourteen Governments which have accepted the Convention on the Inter-Governmental Maritime Consultative Organization is hereby placed before the Council, as requested by the Government of the United Kingdom acting on behalf of the fourteen Governments.

7. It will be recalled that, according to article 60 of the Convention on IMCO, the latter "shall enter into force on the date when 21 States of which seven shall each have a total tonnage of not less than 1,000,000 gross tons of shipping, have become parties to the Convention".

8. At the time of writing of this note, the Convention had been ratified by the fourteen countries listed above of which seven (Argentina, Canada, France, Greece, the Netherlands, the United Kingdom and the United States of America) each have a total tonnage of not less than one million gross tons of shipping.

ANNEX I

COMMUNICATION DATED 16 NOVEMBER 1953 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL

The permanent representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his note 254 (1271/29/53E) of 14 October 1953, has the honour to inform him that the meeting of Governments which had accepted the Convention for the establishment of the Inter-Governmental Maritime Consultative Organization (IMCO), convened to consider what could be done to hasten the bringing into being of the organization, took place in London on 27 and 28 October 1953.

The meeting was attended by representatives of Argentina, Australia, Belgium, Burma, Canada, the Dominican Republic, France, Greece, Haiti, the Irish Republic, Israel, the Netherlands, the United States of America and the United Kingdom,

and by observers from the United Nations and the Preparatory Committee of IMCO.

The meeting invited the United Kingdom Government to transmit the attached report to the United Nations on behalf of the fourteen Governments represented at the meeting. The Permanent Representative would be grateful if the Secretary-General would send copies of the report to all Members of the United Nations and to all other eligible Governments, and place the report before the Economic and Social Council at the earliest opportunity.

The United Kingdom Government, having undertaken at the meeting to receive and circulate information concerning the action to be taken on this matter by the fourteen Governments, will in accordance with paragraph 6 of the report, inform the Secretary-General of the United Nations of the progress of this action.

ANNEX II

REPORT TO THE UNITED NATIONS BY THE FOURTEEN GOVERNMENTS WHICH HAVE ACCEPTED THE CONVENTION FOR THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (IMCO)

1. On 15 April 1953, the Economic and Social Council invited those States which had accepted the Convention for the establishment of IMCO to consider what measures might be taken with a view to hastening the bringing into being of the organization. On the initiative of Her Majesty's Government in the United Kingdom, representatives of the fourteen Governments which have accepted the Convention met in London on 27 and 28 October 1953 to consider these measures, as desired by the Economic and Social Council.

2. The fourteen Governments, which have already shown their conviction of the need for IMCO by accepting the Convention, join in expressing their concern at the delay in bringing the organization into being.

3. The fourteen Governments have reviewed the reasons why IMCO is needed, and unanimously express the view that this "consultative and advisory" organization is urgently

required, as a United Nations specialized agency in the maritime field, to give effect to the purposes set out in article 1 of the Convention. The following are the principal considerations to which they would draw attention.

(a) The coming into effect of the 1948 Convention on the Safety of Life at Sea has rendered it urgent that the Maritime Safety Committee should be able to perform the functions assigned to it under that Convention, for the IMCO Convention provides machinery for following up the supervising and carrying out of the Convention, and for simplifying procedure for its amendment. A number of important matters were set aside by the Convention for consideration by IMCO in the expectation that the organization would come into effect not later than the Convention itself.

(b) The importance to all countries of the complex and highly technical problem of tonnage measurement is evident, particularly because of its relevance in the assessment of port, light and canal dues—a problem that has already been set aside for consideration by IMCO when constituted.

(c) The problem of oil pollution is of such urgency that it will have to be considered by the maritime countries at a very early date on a fully representative basis. The existence of IMCO would greatly have facilitated the discussion of this problem, and may well do so in future.

⁶ According to article 7 of the Convention on the Inter-governmental Maritime Consultative Organization, the other eligible Governments are those of States not Members of the United Nations which were invited to send representatives to the United Nations Maritime Conference convened in Geneva on 19 February 1948.

(d) The fourteen Governments noted the widespread concern manifested in repeated declarations by such bodies as the Organization for European Economic Co-operation and the International Chamber of Commerce about flag discrimination, and reaffirmed the urgent need for an inter-governmental organization to promote the removal of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in international trade according to the principles of article 1 (b) of the Convention. IMCO would provide a forum where the different points of view which exist among Governments could be fully expressed and lead to sensible solutions.

(e) These and other shipping problems of an economic as well as of a technical character requiring international consideration inevitably come to the attention of Governments, and it is most desirable that the discussion of these, including restrictive practices affecting shipping, should, if necessary, take place within a maritime organization, rather than within some other organ less acquainted with this field of activity. A number of problems are already under consideration by other inter-governmental bodies in regard to which there is at present no means of presenting the co-ordinated views of Governments from a maritime point of view.

(f) A specialized agency of the United Nations in the maritime field is needed to provide for joint consideration with other intergovernmental agencies, such as the International Civil Aviation Organization, as a number of common technical problems have arisen, e.g., in the field of air/sea rescue, on which such co-ordination is needed as soon as possible.

(g) IMCO would provide for the continuous exchange of information which is necessary if there is to be genuine consultation between Governments.

4. The fourteen Governments have noted that the Convention has already been accepted by Governments which are widely representative from a geographical point of view, and which reflect varied interests, both as users and providers of shipping. They are therefore confident in commending the Convention to other eligible Governments as one which

has been drawn up in a well-balanced manner to provide fairly for the expression of all points of views.

5. The fourteen Governments believe that this Organization, with its expert qualifications and continuity, will be able to deal with the maritime problems that require attention by Governments, on an inter-governmental basis, with greater effectiveness and at the expense of much less time and energy than if they are considered by bodies less well equipped to deal with them, or by the convening of *ad hoc* conferences. They believe that the early establishment of effective United Nations machinery in the maritime field will be in the interests of all sections of the life of nations, whose interests and economies are touched at so many points by problems relating to shipping engaged in international trade.

6. With this object, the representatives of the fourteen countries have resolved to recommend to their Governments that they should continue and increase their efforts to persuade world opinion that the urgent coming into being of IMCO is essential, and should take appropriate action in mutual consultation, with a view to securing the acceptance of the Convention by as many Governments as possible. In order to keep in touch with the progress of this action, the representatives of the fourteen Governments agreed to arrange for Her Majesty's Government in the United Kingdom to be kept informed of what action their Governments take, and of its results, and the United Kingdom has undertaken temporarily to act as a clearing-house for this information, and will keep the Secretary-General of the United Nations informed.

7. The fourteen Governments hope that their conclusions will reinforce the determination of the Economic and Social Council to promote the early coming into being of IMCO, and request that copies of this report should be circulated by the United Nations to all Members of the United Nations and other eligible Governments, and be placed before the Economic and Social Council at the earliest opportunity.

8. The representatives invited Her Majesty's Government in the United Kingdom to forward this report to the United Nations.

DOCUMENT E/L.579

Argentina, Australia, Belgium, France, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

[Original text: French]
[30 March 1954]

The Economic and Social Council,

Recalling its resolution 468 C (XV) on the Situation with respect to Ratification of the Convention on the Inter-Governmental Maritime Consultative Organization (IMCO),

Taking note with appreciation of the "Report to the United Nations by the fourteen Governments which have accepted the IMCO Convention", which was annexed to the Report by the Secretary-General on this subject (E/2520, annex II),

Invites the Secretary-General to pursue his consultations with the governments of those eligible States which have not so far ratified the Convention with a view

(a) To ascertaining from each of them how far they have advanced with ratification measures; and

(b) To hastening, in so far as it is possible, the entry into force of the above Convention.

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Agenda item 11: Expanded Programme of Technical Assistance: report of the Technical Assistance Committee

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DOCUMENT E/2558 and Corr.1**Report of the Technical Assistance Committee**

[Original text: English and French]
[25 March 1954]

I**INTRODUCTION**

1. The Technical Assistance Committee held nine meetings at Headquarters from 15 to 24 March 1954 (E/TAC/SR.58 to 66) under the chairmanship of Mr. El-Tanamli (Egypt), who was unanimously elected at the first of these meetings.

2. The Committee considered the following items:

(a) Report of the Working Party of the Technical Assistance Committee

(i) Financial procedures for the Expanded Programme of Technical Assistance (E/TAC/37, paragraphs 4 to 18, E/TAC/L.61, E/TAC/L.62, E/TAC/L.65, E/TAC/L.68);

(ii) System of Allocation of Funds under the Expanded Programme of Technical Assistance (E/TAC/37, paragraphs 19 to 24, E/TAC/L.58, E/TAC/L.59, E/TAC/L.60, E/TAC/L.63, E/TAC/L.66, E/TAC/L.67/Rev.1);

(b) Recommendations of the Technical Assistance Board regarding the reports of the Board to the Technical Assistance Committee (E/TAC/33).

3. The Committee also received a draft resolution by Pakistan (E/TAC/L.64), which was subsequently withdrawn by its sponsor at the 66th meeting.

II**FINANCIAL PROCEDURES FOR THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE**

(item (a) i)

4. The Committee considered the report of its working party (E/TAC/37, paragraphs 4 to 18) which proposed modifications of the present financial procedures of the Expanded Programme of Technical Assistance (see annex II), based on the proposals of the Technical Assistance Board (TAB) (E/TAC/31).

5. The Committee was of the opinion that the following considerations should govern the financial arrangements relating to the Programme:

(a) The Programme should be administered in such a way that delays in the payment of pledged contributions would not entail the withdrawal or suspension of authorizations for projects to be carried out.

(b) The Programme should at all times be in a position to meet its full contractual liabilities and not only, as at present, its potential liquidation charges.

Moreover, the Committee believed that the Programme should normally be in a position to assure the fulfilment of projects concerning which commitments have been made to recipient Governments. The Committee therefore considered that certain measures should be taken to ensure to the Programme, by means of an appropriate reserve fund, greater financial stability than in the past.

It realized, however, that the sudden and immediate adoption of the necessary measures might give rise to an undue slowing down of the Programme; therefore, the Committee is of the opinion that a transitional period should be foreseen, and suggests that the necessary reserve fund should be constituted over a period of three years. The Committee, in its consideration of arrangements for the establishment of stability in the Programme, took account of the fact that the technical assistance programmes had reached different stages of development in the various recipient countries. The present size of the Programme did not necessarily reflect the needs or capacity for absorption of the countries concerned. It also noted that the average duration of the projects which made up the technical assistance programmes varied considerably from one country to another.

6. The Committee was of the opinion that the following measures should be taken to increase the financial stability of the Programme (see annex I, draft resolution A):

- (a) In each current year obligations should be controlled by conservative earmarking of funds;
- (b) Each agency should be required to keep its obligations at all times within the limit of funds "earmarked";
- (c) Each agency should be required to limit its forward contractual commitments¹ plus any residual liquidating liabilities to its *pro rata* share of a working capital and reserve fund which would be built up over a period of years;²
- (d) When fully established, the Fund should normally be 50 per cent of pledges for the preceding year. Fifty per cent of the total pledges for 1954, i.e., \$12 million, might therefore be taken as the provisional target. Of this amount, \$3 million is already available in the Special Reserve Fund, and it is proposed that a further \$9 million be accumulated over a period of three years.

7. In arriving at an appropriate level for the amount to be retained in the Working Capital and Reserve Fund, consideration was given to the following:

- (a) The estimated obligations of the participating organizations for the 1954 programme as at 1 January 1954 total \$9.5 million;
- (b) The Working Capital Fund of the United Nations was approximately 50 per cent of the net annual budget of the Organization.

Transitional arrangements

8. It would not be possible to insist on requirement (c) of paragraph 6 above in full during the period when the Fund was being built up without a drastic cut in current programmes. Pending the full establishment of the Fund, each agency would be permitted to enter into forward contractual commitments and to incur residual charges not exceeding its *pro rata* share of \$12 million. Under this arrangement the programme would not only continue to be able to meet its legal liabilities at any time, but would also move in stages towards the increased measure of financial security which these proposals seek to ensure (see annex I, draft resolution A).

¹ Defined as estimated costs to be met in the following financial years for services to be rendered and goods to be delivered under contracts or purchase orders already signed.

² The Committee decided, by 8 votes to 3, with 6 abstentions, to postpone until its next session a decision on an amendment proposed by the representative of Australia to add at the end of this paragraph the following words "plus any allocations it had not obligated".

9. Detailed recommendations concerning the preparation of programmes and earmarking of funds

- (a) Agencies shall prepare programmes in a total amount which may be in excess of expected availabilities of funds on the understanding that the final selection as between individual projects within the TAB-approved programme would rest with the agency, taking into account availability of staff, particular currencies, and such decisions as may be taken by TAB, but the total value of projects carried out shall not exceed the total earmarkings made by the TAB.
- (b) Earmarkings shall initially be based on the most conservative estimates of contributions likely to be available in cash from time to time during the programme year, i.e. estimated on such a basis as to ensure that no withdrawals of programme earmarkings would need to be made. As and when additional funds become available, supplementary earmarkings shall be issued (see annex I, draft resolution A).

Obligations

10. The proposals of the Committee involve no change in the balance between the Programme's recorded obligations and its income, as stated in paragraph 8 of annex II; moreover, the forward contractual commitments arising from contracts entered into by a participating organization during or prior to a current financial period plus any other residual liquidating liabilities—that is, the funds necessary to discharge terminal liabilities which would arise in the event of termination of the administrative staff—should not exceed the organization's *pro rata* share of the Working Capital and Reserve Fund, subject to paragraph 8 above.

Accumulation of funds to cover forward contractual commitments

11. (a) From contributions received in 1954, \$3 million should be applied to increase the present Special Reserve Fund, as a first instalment in the accumulation of a target sum which is provisionally fixed at \$12 million and which should normally be fixed at 50 per cent of the total of the pledges for the preceding year;
- (b) The \$3 million added to the Special Reserve Fund in accordance with sub-paragraph (a) above should not be considered as "funds available" for allocation during 1954 in accordance with the provisions of Council resolution 492 C (XVI), section II B, paragraphs (a) and (b);
- (c) It is recommended that the Special Reserve Fund be renamed "Working Capital and Reserve Fund", and that the purposes for which it may be employed be extended to include the purposes set forth in paragraph 12 below;
- (d) Additional amounts necessary to bring the Working Capital and Reserve Fund to its target level should be retained from contributions received during 1955 and 1956;
- (e) The Funds accumulated in the Working Capital and Reserve Fund should consist principally of convertible currencies.

Use of proposed Working Capital and Reserve Fund

12. (a) The funds accumulated in the Working Capital and Reserve Fund should serve as a continuous

operating reserve which may be used for the following purposes (see annex I, draft resolution A) :

(i) To make advances to participating organizations, pending the receipt of contributions from Governments, for the purpose of initiating or containing approved programmes within an agency's approved earmarkings ;

(ii) To improve and facilitate currency management, by making currencies available for exchange with agencies' allocated currencies, for the purchase of needed currencies pending collection of particular contributions, and for advances of currencies which would otherwise have to be purchased by agencies with dollars ;

(iii) For such other purposes as may be approved by the Technical Assistance Committee from time to time.

(b) Transactions with agencies involving funds in the Working Capital and Reserve Fund should be subject to the overriding limitation that total advances to an organization outstanding at any time may not exceed its appropriate percentage share of the Fund.

Disposition of unobligated balances of cash allocations

13. At the end of any financial year, bearing in mind the special circumstances of each case, organizations may be permitted to retain or to have re-allocated to them any unobligated balance of cash allocations required for the purpose of continuing their approved programmes of that year, within the earmarkings made by TAB for the following year, subject to the Board's authorization and to the established procedures for drawing up programmes at the country level.

14. The Committee agreed with the view of TAB that, although the adoption of the above provisions would mean some curtailment of projects which had already been planned, the participating organizations should nevertheless be able to carry out well-balanced programmes, even though in a total amount below the level of operations in 1952 and 1953. It was understood that whatever adjustments in programming would of necessity have to be made, full consideration on the basis of merit should be given by the Board to all requests for technical assistance. The Committee noted, however, that it was not the practice of the Board to withhold approval for the continuation of a project in operation if the requesting country and the participating organization concerned were willing and able to carry out the relevant project agreement. The decision to build up the Reserve Fund in three years, as suggested in paragraph 6, might have to be modified if there were substantial fluctuations upwards or downwards in the level of contributions.

15. The Committee noted that TAB intended to keep under notice and to examine in the light of experience the possibility of introducing a rule to the effect that contracts—whether falling due for payment in the current or in future financial periods—would not be entered into until such time as sufficient income had been received to cover in full the liabilities arising from such contracts (see annex I, draft resolution A).

16. The Committee was aware that the above provisions might in time have to be reviewed in the light of the decisions which might be taken with regard to the system of allocation of funds. It pointed out that these provisions should not be construed as in any way prejudging the solutions which might be adopted with respect to the French proposals (E/TAC/32 and Add.1).

17. The Committee agreed that, at an appropriate time, the financial terminology of TAB's financial manual should be brought, as far as possible, into line with the standard terminology used in the United Nations.

SYSTEM OF ALLOCATION OF FUNDS UNDER THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE

(item (a) ii)

18. In the course of the discussion of the memorandum submitted by the French delegation (E/TAC/32 and Add.1), a number of questions were raised concerning the adequacy of the present system of automatic allocations. It was recognized that there appeared to be a lack of consistency between the establishment of comprehensive country plans of technical assistance best suited to advance the development of the countries concerned and the present system of automatic allocations. The Committee considered that the total annual programme of technical assistance as finally approved should reflect, to the maximum extent compatible with the need for long-term planning by the participating organizations, the need and wishes of the recipient countries for technical assistance.

19. The Committee recognized that, since the system envisaged in the French proposals had never been tried, it was very difficult to assess the extent of the divergence between the programmes emerging under the system of automatic allocations and those which would emerge if countries were free to develop their own programmes without regard to predetermined allocations amongst organizations ; the Committee felt that any information which recipient Governments might wish to make available on this point would help it in reaching a decision. It was suggested that it would be helpful if TAB could furnish further information on the following points *inter alia* :

- (a) What difficulties, if any, the adoption of the French proposal might create in respect of the co-ordination of the Regular Programme and Expanded Programme activities of the organizations ;
- (b) The extent to which national Governments in the recipient countries have developed machinery, interdepartmental or other, for the purpose of planning and co-ordinating technical assistance programmes and the relationship of participating organizations to such machinery ;
- (c) What use the Executive Chairman and TAB envisaged making in 1954, and possibly 1955, of the Retained Contributions Account (see footnote to paragraph 2 of annex II), and the adequacy of the funds retained in that account.

20. Without reaching any definite conclusions on the question of the system of allocation of funds under the Expanded Programme of Technical Assistance, the Committee adopted, by a vote of 16 to none, with 2 abstentions, draft resolution B of annex I.

21. Whatever alternative is finally accepted, the Committee felt that :

- (a) It was desirable for the competent inter-governmental body to be associated more closely than in the past with the drawing-up and review of the comprehensive annual programmes ;
- (b) It was necessary for the programmes to be drawn up sufficiently far in advance to allow the participating organizations sufficient time to finalize their annual programmes of operation ;
- (c) There should not be large fluctuations in the percentages allocated to participating organizations from year to year ; and
- (d) Resident representatives and representatives of participating organizations should continue to be directly associated with requesting Governments in the development of annual country programmes.

22. As regards the proposal in the French memorandum (E/TAC/32) for the creation of a new inter-governmental body, the Committee proposed that, in view of the importance of this question and of the fact that it is intimately connected with the system of allocation of funds, no final decision on this matter should be reached by the Council until its eighteenth session. The Committee, however, urged the Council to give attention to the desirability of associating with the work of the Technical Assistance Committee, or of any other inter-governmental body which may be established, Governments members of the participating organizations which are not members of the United Nations, possibly by including some such Governments in the membership of an enlarged Technical Assistance Committee. In this connexion the Committee drew the attention of the Council to the debate of the Com-

mittee on this question (E/TAC/SR.65) in which it had requested the Secretary-General to transmit to the Council the memorandum presented by France (E/TAC/32 and Add.1).

III

RECOMMENDATIONS OF THE TECHNICAL ASSISTANCE BOARD REGARDING THE REPORTS OF THE BOARD TO THE TECHNICAL ASSISTANCE COMMITTEE (item b)

23. The Committee approves, subject to appropriate action by the Economic and Social Council, the modifications suggested by the Board (E/TAC/33) in the system of regular reports of the Board to the Committee.

ANNEX I

A. FINANCIAL PROCEDURES FOR THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE

The Committee decided, by 17 votes in favour, none against, with 1 abstention (E/TAC/SR.65), to recommend the following draft resolution for adoption by the Economic and Social Council:

"The Economic and Social Council,

"Having noted the report of the Technical Assistance Committee (E/2558), relating to the financial procedures of the Expanded Programme of Technical Assistance,

"1. Notes that the Technical Assistance Committee, in pursuance of the authority contained in resolution 400 (XIII) of the Council, has decided to increase the Special Reserve Fund by adding thereto an additional amount of \$3 million from contributions paid during 1954;

"2. Notes that the Technical Assistance Committee has recommended that the Special Reserve Fund be reconstituted as a Working Capital and Reserve Fund, that it should be increased to a normal level of 50 per cent of total pledges for the preceding year and that the necessary funds should be retained for this purpose from contributions to be received in 1955 and 1956 towards a target level provisionally fixed at \$12 million;

"3. Notes that the Technical Assistance Committee has approved the following measures to increase the financial stability of the programme:

"(a) Each participating organization shall keep its obligations at all times within the limit of funds "earmarked" for it by the Technical Assistance Board;

"(b) In each financial period, "earmarkings" shall initially be based on the most conservative estimates of contributions likely to be available during the programme year in order that withdrawal of programme authorizations shall not become necessary because of shortages of funds. Supplementary earmakings shall be made as and when the receipt of contributions justifies them;

"(c) Each participating organization shall limit its forward contractual commitments and residual liquidating liabilities

to its pro rata share of the Working Capital and Reserve Fund when that Fund is fully established;

"(d) Pending the full establishment of the Working Capital and Reserve Fund each participating organization shall limit its forward contractual commitments and residual liquidating liabilities to its pro rata share of \$12 million;

"4. Notes also that the Technical Assistance Board intends to keep under notice and examine in the light of experience the possibility of introducing a rule that contracts (whether falling due for payment in the current or in future financial periods) would not be entered into until such time as sufficient income has been received to cover in full the liabilities arising from such contracts;

"5. Recommends to the General Assembly that it give approval to the following arrangements:

"(a) The Special Reserve Fund shall be reconstituted as a Working Capital and Reserve Fund, which will serve as a continuing operating reserve and which may be used for the following purposes:

"(i) To make advances to participating organizations pending the receipt of contributions from governments, for the purpose of initiating or continuing approved programmes within an organization's approved earmarkings;

"(ii) To improve and facilitate currency management, by making currencies available for exchange with agencies' allocated currencies, for the purchase of needed currencies pending collection of particular contributions, and for advances of currencies which would otherwise have to be purchased by agencies with dollars;

"(iii) For such other purposes as may be approved by the Technical Assistance Committee from time to time;

"(b) The size of the Working Capital and Reserve Fund shall be determined from time to time by the Technical Assistance Committee;

"(c) Withdrawals from the Working Capital and Reserve Fund shall be replaced before the end of the financial period in which they are made."

B. SYSTEM OF ALLOCATION OF FUNDS UNDER THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE

The Committee decided, by 16 votes in favour, none against, with 2 abstentions (E/TAC/SR.63), to recommend the following draft resolution for adoption by the Council:

"The Economic and Social Council,

"Having considered the Report of the Technical Assistance Committee (E/2558),

"Bearing in mind the opinion of the Secretary-General and of the Technical Assistance Committee that the Administrative Committee on Co-ordination should be given the opportunity

to consider and comment on the questions relating to the basis for the allocation of funds before a final decision is taken in that respect,

"1. Considers that in the further examination of this question the following possible alternatives should be taken into account:

"(a) Automatic allocations would be eliminated altogether and the programmes submitted by the Technical Assistance Board would be approved each year by the Technical Assistance Committee;

"(b) The Technical Assistance Committee would determine each year, on the basis of comprehensive country plans and a careful review of existing and proposed programmes, the percentage of available funds to be allocated for the following year to each of the participating agencies, as well as the percentage to be reserved for allocation by the Technical Assistance Board;

"(c) The present system of automatic allocations would be gradually modified in order to reduce the proportion which, at the date of this resolution, is distributed among the participating organizations under the system of automatic allocations by 25 per cent each year until completely eliminated;

"(d) The present system of automatic allocations would be retained in some such form as the following:

"(i) Twenty-five per cent of the available funds would be in fact at the disposal of the Executive Chairman and of

the Technical Assistance Board for allocation by them at their discretion in accordance with the principles established by the Technical Assistance Committee and more particularly with that of the drawing up of technical assistance programmes at the country level;

"(ii) A substantial percentage of up to 50 per cent of the available funds would be put at the disposal of the Executive Chairman and the Technical Assistance Board for allocation among the participating agencies in accordance with the principles established by the TAC and more particularly with that of the drawing up of technical assistance programmes at the country level;

"2. Invites the Technical Assistance Committee to resume the consideration of the question of the allocation of funds in the light of the debates of the Council on the matter, with a view to formulating proposals which the Council could consider at its eighteenth session."

ANNEX II

SUMMARY PREPARED BY THE TECHNICAL ASSISTANCE BOARD OF THE PRESENT FINANCIAL PROCEDURES UNDER WHICH THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE OPERATES

1. In order to assist the Technical Assistance Committee and the Working Party in their study and analysis of changes in financial arrangements which would further the objectives of the Programme on a sound financial basis, a summary prepared by TAB of the present financial procedures and practices under which the Programme is now being carried out is set forth below. (Annex III contains the relevant TAB financial regulations in detail.)

2. The Technical Assistance Board, acting upon recommendations of the Executive Chairman, undertakes each year the review and approval of the proposed programme for the following year. This review is based on agency submissions and takes into account: (a) consultations with governments at the country level; (b) an estimate of future resources; and (c) Committee and Council directives regarding the allocation of funds. On the basis of the TAB-approved programme, funds are earmarked for the participating organizations in terms of dollar equivalents, after setting aside the necessary funds for the headquarters and field offices of the TAB secretariat, taking into consideration both the agency percentages and the appropriate use of the Retained Contributions Account.³ As contributions are received from contributing Governments, currencies are allocated to organizations in proportion to approved earmarkings. Procedures have been developed for the transfer of currencies between organizations in order to permit the maximum utilization of currencies.

3. As a result of agreements which participating organizations have signed with Governments, the organizations have assumed certain obligations, commitments, and legal liabilities. (See annex III for definitions.)

4. Obligations are assumed by organizations as soon as contracts for services to be rendered or purchase orders for goods to be delivered by 31 December of the current financial period are signed. Obligations in respect of fellowships are assumed for the full duration of the fellowship at the time that the fellowship is awarded. All obligations involve a legal liability.

5. Commitments consist of estimated costs which have not resulted in obligations as described above for the completion of projects for which agreements have been signed between participating organizations and Governments. Commitments

arise from all signed agreements regardless of the financial period in which the technical assistance is expected to be delivered. Commitments are considered as falling into two categories: (a) estimated costs to be met in the following financial years for services to be rendered and goods to be delivered under contracts or purchase orders already signed in the current year, and (b) estimated costs for goods and services for which no contracts or purchase orders have yet been undertaken. Commitments in the first category carry a legal liability; commitments in the second category do not.

6. The extent to which a participating organization assumes commitments is dependent upon the rate at which it agrees to furnish technical assistance to governments. Although there is no fixed limit to the total commitments which any participating organization may undertake, organizations limit their commitments to the amount of technical assistance which they can reasonably expect to be able to furnish within any given period. Since all agreements to furnish technical assistance in any period beyond the current financial year must carry the stipulation that the agreement is signed subject to the availability of funds, no contractual or legal liability is inherent in the agreement itself. There is, however, a moral obligation.

7. The legal liabilities which arise out of commitments for which contracts and purchase orders have already been signed are now covered by the financial rule that such liabilities—that is, potential liquidation charges, indemnity payments in experts' contracts, cancellation charges in purchase orders—should not exceed an organization's percentage share of the Special Reserve Fund. Should the quarterly review of these legal liabilities required of all agencies indicate that a material excess liability exists, the Board would take the necessary action to set aside for the agencies concerned the necessary funds to cover such excess liabilities.

8. In order that a proper balance between the programme's recorded obligations and its income be maintained, the present financial rules require that obligations incurred by a participating organization for services and supplies to be furnished during a current financial period may not exceed contributions allocated to the participating organization during that period. This rule does not require that at all times during the financial year obligations shall not exceed allocations received; however, an organization's obligations must always be maintained within the amount earmarked for it. The rule requires that, by the end of the current year, obligations for services and supplies shall not exceed allocations made during that year. If at any time it becomes advisable to maintain a closer and more frequent check on the relationship between estimated obligations and estimated

³ The Retained Contributions Account is the sub-account of the Special Account to which is credited that portion of the contributions paid by Governments which is not made available for allocation automatically to the participating organizations in accordance with the percentages set forth in paragraph 8(c) of Council resolution 222 (IX) as amended and modified pursuant to paragraph 19 of the report of the TAC to the thirteenth session of the Council (E/2102).

income, it is possible to establish obligation ceilings for portions of a financial year, as was done by TAB in August 1953, with regard to the 1954 programme.⁴

9. The Board has already taken the following action with regard to the 1954 Programme: (a) it established, in August 1953, and reaffirmed in December 1953, an obligation ceiling for 1954 as at 30 June 1954 of \$12 million plus the agencies' carry-over, including expenses for the TAB secretariat and the resident technical assistance representatives, in the expectation that this will result in cash disbursements of approximately \$6 million in the first half of 1954; (b) it approved a total 1954 programme of approximately \$22 million; (c) it approved the earmarking of \$12 million, plus agencies' carry-overs,⁵ as a ceiling for 1954 obligations to be incurred during the period 1 January - 30 June 1954. Additional earmarkings for 1954 obligations will be made during 1954 in the light of collections on pledges made by Governments. The Executive Chairman has also announced to the

Board that agencies may plan, subject to confirmation at TAB's March meeting, on an obligation ceiling for 1954 as at 31 December 1954 of \$18 million, plus agencies' carry-over, including the TAB secretariat and resident representatives.

10. The financial controls imposed by TAB on its 1954 operations will, it is believed, preclude the necessity for any withdrawals of programme authorizations due to uncertainties about the timing of the receipt of contributions. The establishment of the 30 June 1954 ceiling will enable TAB to review its financial situation midway through the programme and at a time when its recorded obligations and income are expected to be in balance. The experience of the first six months of 1954 will determine whether the establishment of further periodic ceilings may be desirable. It should be noted also that under existing financial procedures and practices the programme is in a position at any time to meet the legal liabilities which would arise under a termination or liquidation operation.

ANNEX III

FINANCIAL REGULATIONS OF THE TECHNICAL ASSISTANCE BOARD

Obligations

"Obligations" means contracts or purchase orders which have resulted or will result in a legal liability for payment of services rendered or goods received by 31 December of a financial period, and, in respect of fellowships, the full cost of completion of fellowships awarded before 31 December of the financial period (Finance Manual, article 13).

Obligations incurred by a participating organization for services and supplies to be furnished during a current financial period may not exceed contributions allocated to the participating organizations during that period (Finance Manual, article 12 (a)).

The provisions of article 12 (a) may be taken as a statement of a principle of management, to ensure that the over-all position at the end of a given financial period reflects the stated equilibrium between obligations for services and supplies to be furnished during that financial period and allocations. It does not require that at all times during the year obligations may not exceed allocations received. In order to establish a ceiling which total obligations may be allowed to reach at any time during the year, participating organizations may assume that their share of the automatically allocated funds will in fact be allocated; ... and therefore the ceiling for obligations incurred will be, at any time, during a financial period, the total of the unobligated carry-over from the prior year, plus the established percentage share of the automatically allocated funds, plus any specific allocations received from the Retained Contributions Account.

Commitments

"Commitments" are estimated costs in excess of obligations incurred, to complete projects on which agreement has been

reached by the participating organizations and a Government or Governments, and are sub-divided as follows:

"Established Requirements" means contractual liabilities for services and supplies to be furnished in the ensuing financial year.

"Estimated Requirements" means the remainder of costs, not covered under "established requirements", estimated to be required to complete a project (Finance Manual, article 13).

A participating organization may sign an agreement for implementation in future years, provided that such an agreement contains the stipulation that its implementation is conditional upon availability of funds to the organization (Finance Manual).

Legal liabilities

Obligations which may be established for services and supplies to be furnished in future years shall be recorded and reported separately as "estimated requirements". In general effective liabilities (i.e., potential liquidating charges) established under such obligations should not exceed the organization's standard percentage share of funds available in the Special Reserve. Organizations should compare the two figures once each quarter, and where it appears that a material excess liability exists, the Executive Chairman should be notified, and consideration shall be given to the establishment of a liquidation reserve on the Organization's account (Finance Manual).

Expenditures

"Expenditure" is the actual payment for services, materials, etc. (Finance Manual, article 13).

DOCUMENT E/TAC/32

Basis for the allocation of funds under the Expanded Programme of Technical Assistance: memorandum submitted by France

[Original text: French]

[11 January 1954]

The purpose of this memorandum is to set forth the French delegation's suggestions on the allocation of funds under the Expanded Programme of Technical Assistance. It has been drawn up to facilitate the work of the Working Party set up under the resolution adopted by

the Technical Assistance Committee at the sixteenth session of the Economic and Social Council. It relates to the assignment given to that Working Party, under section B of the resolution (E/2497, para. 43), in the following terms:

"The Technical Assistance Committee,

...

"Recognizing the importance of reviewing, for 1955 and future years, the basis for the allocation of funds originally established in Council resolution 222 (IX);

⁴ The Board decided in August that during the first six months of 1954 the obligations recorded by the participating organizations would be limited to the agencies' share of \$12 million plus the carry-over from 1953.

⁵ Estimated on 22 December 1953 to be \$1.1 million, subject to revision when the agency books for 1953 are closed.

"Requests the Working Party, in addition, to review the system of allocation of funds to be applied as from 1955, taking into account the resolutions of the Technical Assistance Committee and the Economic and Social Council concerning the development of technical assistance programmes at the country level."

The French Government's proposals relate to two measures: first, the elimination of automatic allocations; secondly, the setting up of an inter-governmental body to approve the programmes before they are put into effect.

In respect of the second measure, this memorandum may seem to go beyond the Working Party's terms of reference, since it proposes certain reforms in the scheme outlined in resolution 222 (IX) of the Economic and Social Council.

The French Government has felt obliged to take up this question now because it is convinced that the procedures at present governing the allocation of funds under the Expanded Programme of Technical Assistance are more or less closely linked to the institutional machinery originally set up to develop and approve programmes, and that the changes proposed in the basis for the allocation of funds are more likely to be effective if they are accompanied by certain changes in that institutional machinery.

It would seem, in any case, that the Working Party may consider the main provisions contained in this memorandum while refraining, if it so prefers, from defining its position at the present stage on those provisions which relate to the membership and structure of the inter-governmental body.

THE ELIMINATION OF AUTOMATIC ALLOCATIONS

One working principle has gradually emerged from the experience accumulated both by the authorities responsible for the preparation and execution of the programme and by the recipient Governments. This principle is that the programmes must be drawn up at the country level on the basis of each country's particular needs and co-ordinated with governmental economic development plans. The principle has been so often and so vigorously affirmed by the various United Nations bodies responsible for the supervision of the Expanded Programme that it can henceforth be regarded as axiomatic.

In the view of the French Government, this principle cannot be effectively put into practice so long as the system of automatic allocations prevails which has, from the outset, governed the allocation of a very substantial part of the contributions paid into the Special Account of the Expanded Programme of Technical Assistance. When the funds are distributed among several participating organizations, i.e., among projects of different kinds, in proportions fixed in advance, it can scarcely be expected that the comprehensive programme will, except by a remarkable coincidence, in the end represent the sum of the country programmes which would be drawn up on the basis of each government's needs and preferences.

There is good reason to believe that the present system of the automatic allocation of funds induces Governments to request or prompts them to accept services which, while they are undoubtedly by no means useless, do not conform to the priority which these governments establish, or might establish, in connexion with their country programmes.

Apparently the Economic and Social Council originally adopted the system of automatic allocations only as an expedient. It had no knowledge of governments' needs, the extent to which experts were available or the difficulties attendant on the implementation of the pro-

gramme. It was, moreover, anxious to give the participating organizations advance notice of the approximate amounts which would be at their disposal. The automatic allocation system offered a convenient solution to these problems and difficulties, and was undoubtedly the system best suited to the requirements of the inaugural period of the programme.

Furthermore, the system presented no serious drawbacks in the initial phase of the programme. By reason of the inevitable initial delays and of the abundance of available funds it was largely possible, at least until during 1952, to meet all the valid requests submitted by the recipient governments, with the result that the preferences of governments were not detrimentally affected by the system in force.

The position has now radically changed in these various respects.

In the first place, the experience gained and the work already accomplished though the fruitful co-operation established between the governments and the participating organizations make it possible to determine the objectives of the yearly programmes in advance, and consequently to form a sufficiently accurate idea of the pattern of the demand for the kinds of service offered by the various participating organizations. These organizations are now able to judge sufficiently far in advance the amount of the funds to be administered by them, without recourse to the system of automatic allocations.

Moreover, when the total of requests considered to be valid very substantially exceeds the total of the projects which can be implemented during one fiscal period, the problem of selecting the requests is of decisive importance, and the existence of automatic allocations prevents the application of the proper criteria in making the selection.

The French Government holds that it is now possible to eliminate the arbitrary aspect of the system in force and to regulate the allocation of available funds in a more rational manner with a view to putting into effect programmes corresponding more closely to the real needs of the recipient Governments as described by them in their economic development plans or programmes drawn up at the country level.

It would now seem to be time, therefore, to abandon the automatic allocation system entirely.

The policy for allocating funds should be governed by the following principles:

First, Governments must draw up their lists of requests on the basis of their needs, and regardless of any balance established in advance by an outside agency, among different fields of activity;

Secondly, the bodies responsible for the administration and supervision of the Expanded Programme of Technical Assistance should make sure that the contributions to the Special Account are expended in accordance with the principles set forth in the annex to resolution 222 (IX) and in the texts subsequently adopted by various United Nations bodies, more particularly those relating to the development of programmes co-ordinated at the country level;

Thirdly, the programmes must be drawn up, at least approximately, sufficiently far in advance to enable both the participating organizations and the recipient governments to make the necessary preparations for the effective implementation of the projects;

Fourthly, the programmes thus prepared should, however, not be so rigid as to preclude any changes, either before or during the fiscal year, which might become necessary through unforeseen technical difficulties or through changes in the financial position.

It seems possible to implement these principles without radically upsetting most established practices.

In broad outline, the "machinery" suggested by the French Government would be as follows:

(a) Governments would continue to prepare and finalize their draft requests in co-operation with the participating organizations, their representatives in the field and the resident representatives;

(b) They would then draw up their total requests in the form of a list of projects in order of priority;

(c) The total requests of Governments would be forwarded directly to the Technical Assistance Board (TAB), which, after scrutinizing them, would prepare a draft annual programme;

(d) The draft annual programme would be submitted to the competent inter-governmental body for consideration and approval not later than 15 July of each year;

(e) The yearly programme decided upon by the inter-governmental body ought normally to include more projects than were likely to be capable of implementation, so that any additions which proved possible or any substitutions which proved necessary would be made in respect of projects already approved. Projects which it had not been possible to implement during a given fiscal year could, if the Governments so desired, be re-submitted to TAB in the list of requests for the ensuing fiscal year;

(f) The programme would be reviewed by TAB and the inter-governmental body shortly after the conclusion of the Technical Assistance Conference, and if possible before the beginning of the fiscal year, so that it could be amended, if necessary, in the light of the most recent financial estimates and of such practical difficulties as might have arisen since the initial approval;

(g) If further amendments proved unavoidable during the fiscal year, TAB would be authorized to effect them on its own authority, subject to its submitting a report on the matter at the next session of the inter-governmental body;

(b) The signing of agreements and the implementation of projects would continue to be effected in accordance with the procedures at present in force.

THE INTER-GOVERNMENTAL BODY

The French Government wishes to make it clear that in its opinion the main responsibility for the preparation and development of the comprehensive annual programmes according to the procedure described above would remain with TAB, which it considers to be the body best qualified to perform this function. TAB's recommendations concerning the comprehensive annual programmes should not normally undergo substantial amendment by the inter-governmental body, particularly as the inter-governmental body could give TAB general directives concerning future programmes from time to time.

The changes which the French delegation proposes in the scheme outlined in resolution 222 (IX) are based on the following considerations:

First, it is proper and desirable that Governments should be more closely associated than they are at present with the development and approval of programmes designed for the benefit of Governments and financed by governmental voluntary contributions. It should be noted in this connexion that the Technical Assistance Com-

mittee's terms of reference, as established by resolution 222 (IX), do not explicitly include the prior approval of the annual programmes, and that the Committee has never, so far, undertaken a thorough critical scrutiny of these programmes.

Secondly, the intervention of an inter-governmental body seems necessary to settle the problems arising from divergencies of opinion which may occur in TAB between the various participating organizations during the discussion of the annual programmes.

Thirdly, the rules governing the membership of the Technical Assistance Committee do not enable it to reflect all the interests involved. In particular, the French Government feels that it is no longer possible to ignore the legitimate demands of contributing Governments which are not Members of the United Nations for representation on the body most directly responsible for the supervision of the programme.

It therefore seems reasonable to suggest that an inter-governmental body consisting of representatives of the participating governments, whether they are Members of the United Nations or not, should be given the final responsibility for the allocation of funds and the approval of programmes, and that this inter-governmental body should, like the present Technical Assistance Committee, function under the auspices of the Economic and Social Council, to which it would report periodically.

It would seem, by reason of the part it would play and the authority it would possess in drawing up the programmes, that this body should be considered as an administrative council rather than as a committee of the Economic and Social Council. Obviously, under such a reform the Technical Assistance Committee would be abolished so as to avoid any awkward and useless overlapping.

The French Government therefore proposes that an administrative council of the Expanded Technical Assistance Programme should be set up, elected by the Economic and Social Council and consisting of twenty-one representatives of Governments participating in the programme, some of which may be non-Members of the United Nations.

This administrative council would assume the present powers and functions of the Technical Assistance Committee, as defined in resolution 222 (IX), paragraph 6, subject to the explicit provision that the administrative council shall be responsible for determining the programmes and distributing the available funds.

In the view of the French Government, the Administrative Council should appoint a "programme committee" of about ten to twelve members, which would give thorough consideration to TAB's recommendations and would prepare the decisions on the annual programmes for the administrative council. The appointment of such a committee need not necessarily be provided for in the statutes; it could be left to the administrative council itself to take a decision on this matter.

The French Government also takes the view that it would be highly desirable for the Governments represented on the administrative council, and more particularly those on the programme committee, to be represented on these bodies by persons having a thorough knowledge of the features of the programme and capable of following its development with a certain degree of continuity.

If such a reform were accepted in principle, the French delegation would in due course submit specific proposals for amending the existing texts along these lines.

Basis for the allocation of funds under the Expanded Programme of Technical Assistance: memorandum submitted by France

[Original text: French]
[22 March 1954]

Following the discussions in the Technical Assistance Committee from 15 to 18 March 1954, the French delegation considers it useful to submit some supplementary observations on the basis for the allocation of funds under the Expanded Programme of Technical Assistance.

This explanatory memorandum adds nothing new to the French proposals which were broadly outlined in document E/TAC/32. It simply explains in greater detail certain details of the procedure which could be adopted for the approval of annual programmes by the competent inter-governmental body.

It should be recalled that, on the basis of document E/TAC/32, and in particular paragraphs (d) and (e) of section 1, relating to the elimination of automatic allocations, the complete annual programme approved by the competent inter-governmental body would include two lists of projects, which for the sake of convenience may be called list A and list B. List A would include all projects the implementation of which would be authorized without further intervention by the Technical Assistance Board (TAB) or the inter-governmental body. List B would include projects which could be put into force only when additions were found to be possible or when substitutions appeared necessary.

It should also be remembered that on the basis of the French proposals, as outlined in paragraphs (d) and (f) of section 1, the programmes would be approved by the inter-governmental body according to a procedure composed of two stages: they would be approved at first reading at a suitable date that would allow the participating organizations to know in advance approximately the sum total to be administered by them.⁶ After being reviewed, they would be approved at second reading, shortly before the beginning or at the beginning of the fiscal year in question, so that any additions or substitutions which might appear desirable could be incorporated in them.

Within the framework of these general provisions, the French delegation submits the following explanations on the various stages of approval procedure, and on the spirit in which this procedure should be applied.

1. The approval of the inter-governmental body should be required for each of the projects contained in lists A and B. However:

(a) Each participating organization could, either before the start of the fiscal year or during that year, make transfers of funds between the different projects on list A constituting the sum total of the organization's programme within a given country subject to reporting such transfers subsequently to the inter-governmental body;

⁶ The date 15 July contained in paragraph (d) of section 1 of document E/TAC/32 was only mentioned as an example. The date adopted should be that considered necessary to give participating organizations the same advantages, from the point of view of knowing what sums they would have to administer, as they possess under the system of automatic allocations.

(b) TAB could, after approval of the programme at second reading, authorize transfers of credits between projects in list A, other than the transfers mentioned in paragraph (a) above, subject to reporting such transfers subsequently to the inter-governmental body. It is understood that such transfers should be the exception and not the rule;

(c) TAB could also authorize, after approval of the programme at second reading, the implementation of projects in list B either in lieu of or in addition to the projects in list A, subject to reporting such actions subsequently to the inter-governmental body.

2. In general, the French Government recognizes that the proposed system can work satisfactorily only if the inter-governmental body refrains from upsetting too radically TAB's recommendations when examining the programme under discussion. The inter-governmental body's aim should be rather to give TAB, in the light of the detailed programme for a given fiscal year, directives for the formulation of the programme for the following year. These directives should deal with the following points:

(a) The relative importance attached to different types of activities within the programme as a whole;

(b) The allocation of available funds between recipient countries;

(c) The merit of different projects from the point of view of the criteria outlined in resolution 222 (IX) and later legislative texts.

3. The French Government, moreover, believes that in the formulation and approval of programmes, the following principles should be followed:

(a) Too violent fluctuations in the total funds entrusted to the administration of each participating organization from one year to the next should be avoided. This rule applies rather to reductions than to increases in these sums. In other words, if the sum total of annual programmes were to be maintained at the present level or if it were to be reduced, the annual fluctuations in the percentage allocated to participating organizations should be very small. On the other hand, if the sum total of annual programmes were to be increased, there would be no objection to the total allocated to any participating organization being substantially increased from one year to the next;

(b) The competent inter-governmental body should refrain from giving participating organizations instructions on the plans and methods of work necessary for the implementation of different projects. These plans and methods of work should continue to be determined by each participating organization in consultation with recipient governments.

DOCUMENT E/L.585
Australia : draft resolution

[Original text : English]
[2 April 1954]

The Economic and Social Council,

Having noted the report of the Technical Assistance Committee (E/2558) approving, subject to appropriate action of the Council, the modifications suggested by the Technical Assistance Board (E/TAC/33) in the system of regular reports of the Board to the Committee,

Decides to amend its resolution 222 A (IX) by deleting sub-paragraph 3 (e) thereof.

CHECK LIST OF DOCUMENTS

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E/L.585	Australia : draft resolution	10	
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E/TAC/32 and Add.1	Basis for the allocation of funds under the Expanded Programme of Technical Assistance: memorandum submitted by France	6	
E/TAC/33	Reports of the Technical Assistance Board to the Technical Assistance Committee: modifications suggested by the Technical Assistance Board		Mimeographed document only
E/TAC/L.54	Financial arrangements for the Expanded Programme of Technical Assistance: working papers considered by the Working Party of the Technical Assistance Committee at its meetings from 16 to 20 November 1953		<i>Idem</i>



Agenda item 12: Freedom of information:

- (a) Report of the Rapporteur on Freedom of Information;
- (b) Encouragement and development of independent domestic information enterprises;
- (c) Production and distribution of newsprint and printing paper: report by the Secretary-General under Council resolution 423 (XIV)

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(a) Report of the Rapporteur on Freedom of Information

DOCUMENT E/2427 and Add.1 and 2

Comments and suggestions of governments transmitted for the information and assistance of the Rapporteur on Freedom of Information

[Original text: English, French and Spanish]
[8 May 1953]

DOCUMENT E/2427

NOTE. - 1. At the request of the Rapporteur on Freedom of Information, Mr. Salvador P. López, the Secretary-General wrote to governments on 18 September 1952 seeking any comments and suggestions which might be of use to the Rapporteur in preparing the report which he was asked to submit to the Economic and Social Council under resolution 442 C (XIV).

2. To date replies have been received from the following Governments: Austria, Canada, Ceylon, Denmark, Honduras, Iran, Iraq, Netherlands, Norway, Philippines, Switzerland, Syria, United Kingdom of Great Britain and Northern Ireland, United States of America. The text of these replies is reproduced below.

AUSTRIA

1. The Austrian Government submits the following observations on article 2 of the draft convention on freedom of information:¹

"Article 2 provides that the exercise of the freedoms referred to in article 1 carries with it duties and responsibilities; it may therefore be subject to limitations, but only to such as are clearly defined by law; applied in accordance with the law and necessary

¹ See Official Records of the General Assembly, Seventh Session, Annexes, agenda item 29, document A/AC.42/7, annex.

with regard to matters indicated in alinea (a) to (i) of article 2. In examining the provisions of the Austrian Penal Code it has been noted that the right of freedom of expression is restricted by several penal regulations referring to matters of facts not, or not entirely, covered by the list given in (a) to (i) of article 2 of the draft convention. For reasons of maintenance of public order and national security these regulations could not be abandoned. Therefore it is suggested to supplement that list of permissible restrictions either explicitly or by adding an appropriate general clause so that the freedom of information may also be restricted by prohibitions and penalties with regard to the following:

"Expressions of blasphemous character, expressions interfering with the practice of religion or manifesting contempt for a religion (paragraph 122 of the Austrian Penal Code);

Expressions discrediting decrees of authorities or intended to incite persons against state or municipal authorities or official persons (paragraph 300 leg. cit.);

Expressions instigating to hostility against any nation, religious community, class of people, race, profession, recognized corporation or instigating to any other division into hostile fractions (paragraph 302 leg. cit.);

Expressions instigating to defame a religious community recognized by public law (paragraph 303, leg. cit.);

Expressions defaming the institutions of matrimony, family or of property and expressions approving of unlawful or obscene actions (paragraph 305, leg. cit.);

Expressions disseminating false, disquieting rumours or predictions (paragraph 308, leg. cit.);

Expressions disseminating false or illegal publications (paragraph 309, leg. cit.)."

2. [Translated from German] At the present time complete freedom of information in Austria is prevented by the following impediments:

Telegraphic connexions with aliens may be assigned only with the consent of the competent Allied Committee.

No telephone connexion which crosses a zonal boundary may be brought into use except with the consent of the Allies.

Permission has so far not been given to take the coaxial cable over the zonal boundary.

Permission to enter the long-distance telephone exchange is refused even to the competent Minister for Postal and Telegraphic Services, the Federal Minister of Communications and Nationalized Enterprises, and the Director-General of Postal and Telegraphic Services.

By instruction of the Allied authorities, all telephone conversations with persons abroad must be directed through Vienna.

Foreign telegrams are subject to an Allied censorship.

Radio-Austria telegrams must also be submitted to the Allied censorship.

All foreign mail for or from Vienna and the federal provinces of Lower Austria, the Burgenland and the Mühlviertel must pass through the Allied censorship. For the twenty-one municipal districts of Vienna the competent censorship office is that controlled by the four Allies at the General Post Office; and for the Viennese suburban districts, Lower Austria, the Burgenland and the Mühlviertel it is the Soviet censorship office at the Südbahnhof. According to Allied instructions, the sender of every letter for abroad and his district of residence must be checked by the postal authorities, since the district of residence is the basis for assignment to the appropriate censorship office. This Allied arrangement increases by about 50 per cent the work of the postal and telegraph authorities at the sorting office.

Another case of prevention of freedom of information is as follows:

Under the first Nationalization Act, property in a number of businesses passed in 1946 to the Republic of Austria. Some of these businesses have now been withdrawn from Austrian administration, and the Austrian authorities are unable to obtain such information regarding their activities as other Austrian businesses give the authorities periodically under the Act for revenue and other administrative purposes.

CANADA

The views and opinions of the Canadian Government on the contemporary problems and developments relating to the free flow of information have been expressed in some detail at recent meetings of the Economic and Social Council and in sessions of the General Assembly at which these problems have been discussed. The Canadian Government has no further suggestions to add at the present time.

The interim report of the Rapporteur has been read with great interest and the Canadian Government will be happy to co-operate with him in any way that will aid him in his task.

CEYLON

The freedom of information is unrestricted in Ceylon. There is no ban on the entry of books or publications etc. into the island unless they contain material of an obscene or subversive character. There is no censorship of newspapers or books in the island itself. There are no independent, domestic information agencies other than the Press and branches of news agencies such as Reuters, Press Trust of India, Associated Press of America. The Press Trust of Ceylon acts as agent in Ceylon for Reuters and the Press Trust of India.

The Ceylon Government Information Department will be prepared to co-operate to give publicity to the resolution adopted by the Sub-Commission on Freedom of Information and to supply him with any specific information he may require for the report mentioned.

DENMARK

The Danish Government has nothing to report to Mr. López since no new development has taken place with regard to the question of freedom of information in Denmark.

HONDURAS

In the opinion of the Government of Honduras, there should be freedom of information in all the free countries of the world, both within their national boundaries and internationally, subject to such limitations as governments may establish for reasons of national expediency. Experience has shown that complete freedom of information, that is to say, without any restrictions to cover special cases, when national interests so require, has been and continues to be, the main cause of abnormal situations in countries where no such restrictions exist. With regard to the promotion and extension of freedom of information throughout the world, the Government of Honduras suggests the preparation of a resolution to that end, for circulation to governments, in order that they may express their agreement or disagreement with it and, in the latter case, make any comments they may consider pertinent.

IRAN

[The Permanent Representative of Iran to the United Nations transmitted an informal translation of the Iranian Press Law of 2 December 1952.]

IRAQ

The exchange of information between Iraq and other countries is generally carried with complete freedom. Under normal conditions there is no censorship of news or information which leave or enter Iraq. However, in a state of war, or when martial law is declared, special laws are enacted to permit censorship of telegrams and letters dispatched to or from Iraq. For reasons of public security communications containing harmful information are censored under a special law when censorship is in force. Such laws were in force during the Second World War and the Palestine war, and the censors were not confronted with any serious problems or obstacles in their work.

With regard to the freedom of the Press, the Press in Iraq enjoys complete freedom. There is no Press censorship of any kind except during war or when martial law is in force. Although the suppression of newspapers without court action is permitted, the Government very seldom resort to this measure. No official party organ, however, can be suppressed without a court decision. This is specified in the Publications Law. General publications such as books, pamphlets, magazines and photographs are freely permitted to enter or leave Iraq, but there is a law against the entry into the country of publications containing propaganda dangerous to the security of the country. However, this law is not put into force except in cases of publications containing material dangerous to public security and morals. A special order by the Minister of the Interior is issued whenever any publication is prevented from entry for the said reasons, and these orders are published in the official Government gazette.

In conclusion, the Iraqi Government firmly adhere to the principle of the freedom of the Press and exchange of information except under abnormal conditions and when the safety of the State and public welfare call for restrictions on this principle. Such restrictions are prescribed in special laws.

The views of the Government of Iraq regarding the subject of the freedom of the Press and exchange of information can be summarized as follows:

Complete freedom under normal conditions, censorship limited by law and public welfare, and necessary for the preservation of the State, only under unusual circumstances; and these can be limited to war or conditions leading to martial law in the whole or part of the country.

NETHERLANDS

From the previous history of the whole problem of the freedom of information it may be deduced that it is the task of the Rapporteur on freedom of information to ascertain whether there would be any justification for continuing the attempts at reaching, within the framework of the United Nations, an international agreement on the freedom of information.

In their "Observations as regards the draft convention on freedom of information as drawn up by the Committee on the Draft Convention on Freedom of Information" (E/2031/Add.9) the Netherlands Government stated that they were sceptical about such a convention as a more or less detailed definition of the freedom of information would—as a result of the very nature of this freedom—necessarily result in this freedom being restricted instead

of being guaranteed. The Netherlands Government further pointed out that dictatorially ruled States are apt to take no heed of such a convention: they will certainly misinterpret its provisions when it suits their policy, whereas the democracies would carefully observe the rules of the convention.

However much the Netherlands Government, basing themselves on the above-mentioned considerations, are of the opinion that the time is not yet ripe for an international convention aiming at guaranteeing the freedom of information, they are nevertheless prepared to give a summary of the principal problems presenting themselves in this respect in the Netherlands. The Government deem it desirable to exchange views on these subjects on an international level. It must, however, be doubted whether an organ of the United Nations provides an exceptionally suited atmosphere for such a discussion: it must be considered a prerequisite to a fruitful discussion that those taking part in it take up more or less the same position as to the basic principles.

In their above-mentioned observations the Netherlands Government already pointed out that guaranteeing the freedom of information imposes a great responsibility upon the persons enjoying this freedom; this is particularly true of those who by virtue of their profession occupy themselves with information and the distribution of news. In many respects the operation and continued existence of democracy is dependent on the way in which journalists perform their tasks. The fundamental and thorny question arises whether it should not be considered the task of the legislator to define this responsibility; the Government are of the opinion that if the freedom of information is going to be discussed internationally, this basic question cannot be ignored. In the Netherlands this problem is being studied at the moment; but so far it has been impossible to find a solution.

A problem of long standing which has recently become topical again in the Netherlands, viz., the right of a journalist to be excused, is closely connected with the above questions. With regard to this question, too, the Government are of the opinion that it will be sufficient for them merely to mention the problem, as this problem, too, is still being studied by them. As soon as the Government have formed an opinion on this question (even if this opinion should only be a provisional one) they will be pleased to inform the Rapporteur.

The Government realize that mentioning the two subjects referred to above forms indeed a very brief answer to the questions of the Rapporteur. They are, however, of the opinion that by going into these questions in detail they might create the wrong impression that the Netherlands Government take a hopeful view as regards the success of the mission given to the Rapporteur.

NORWAY

After a careful study of the problem of freedom of information the Government of Norway has reached the conclusion that the great contrast in the present views of various governments on the role of the information media in the community seems to make a continued consideration of these questions in the United Nations unprofitable at the present time.

The problems which exist between countries which agree on the principles are not of such a nature or such a magnitude as to make action on the international political level necessary or desirable. The questions which do arise could be satisfactorily dealt with by the governments of these countries themselves, by the Press organizations or other appropriate organizations as the case might be.

The United Nations and other international organs may, however, even in the present circumstances, perform

a useful task with regard to facilities of a practical and technical nature in the field of information activities, for instance as regards the rates for Press telegrams and Press calls, technical assistance to under-developed countries and the supply of newspaper. The organs of the United Nations might also help in promoting the exchange of information personnel between countries.

PHILIPPINES

I. CONTEMPORARY PROBLEMS IN THE FIELD OF FREEDOM OF INFORMATION

A. Political and legal

The report (which the Rapporteur on Freedom of Information will submit to the Economic and Social Council) should review the constitutional and legal position in this field in as many countries as possible, comparing wherever feasible the basic constitutional guarantees with the actual legal and administrative position relative to: entry and movement of correspondents, censorship and entry and circulation of information material. Material should be drawn if possible from actual experiences of correspondents in the field.

B. Economic, financial and technical

The report should review the obstacles arising from pressures exerted by special interests, particularly advertisers; also the problems of inadequate information facilities in the less developed countries, particularly shortage of newsprint and radio broadcasting and receiving equipment, as well as the need of extending technical assistance to such countries in developing their own domestic information agencies. Consideration should also be given to the problem raised by preferential Press telegraph rates as well as the whole question of equal access to transmission facilities.

C. Professional and cultural

The report should review the problem of the adequate training of journalists, the need for an international code of ethics for information personnel, and the advisability of a programme of exchange of information personnel between countries. In addition, the report should include an analysis of the barrier presented by illiteracy in various countries and the impact of new communications media like radio and television on this problem.

II. SUGGESTIONS FOR PRACTICAL ACTION

The report should review the efforts so far undertaken by the United Nations in this field, including the work of the Geneva Conference on Freedom of Information of 1948, the status of the various draft conventions, and measures actually being taken to reduce or eliminate censorship where it exists, increase available newsprint and other communications materials and equipment, improve professional standards, overcome illiteracy, etc.

III. GENERAL SUGGESTIONS

The report should be a balanced analysis of the interests that are natural to countries with highly developed media of information and those with inadequate facilities. These differing concerns would lie on two levels:

A. On the ideological level, the emphasis on maximum freedom of the Press should be balanced by the concern over the question of responsibility;

B. On the technical level, the emphasis on removal of political and legal obstacles to the free flow of information

should be balanced by the concern for increasing information facilities where they are lacking or inadequate.

In short, the concern of the highly developed countries for unrestricted news should be considered side by side with the concern of the less developed countries for increasing the little information that they get.

IV. FACTUAL DATA

Enclosed are the following annexes:

A. Population and literacy rate of the Philippines as of 1 October 1948.

B. Tabulation of imports of printing paper for the Philippines.

C. Number of publications published and circulated in the Philippines as of 31 March 1951.

D. Number of publications published and circulated in the Philippines, classified by provinces and cities, as of 31 March 1951.

E. List of broadcasting stations as of 31 October 1952.

F. Constitutional and legal provisions for the freedom of the Press and opinion.

At present there are two tentative plans for setting up television stations in the Philippines. The first plan is by the Bolinao Electronics Corporation, a corporation which is at present operating a radio station—DZBC. The Corporation expects to have the television set up by next year. The Bureau of Telecommunications of the Philippine Government is also interested in setting up a television station and is trying to employ the aid of the Mutual Security Agency in the Philippines to have the plan realized, but as yet nothing definite has been settled.

SWITZERLAND

We note that the Rapporteur would greatly appreciate receiving:

1. The views and opinions of our Government as to contemporary problems and developments which have tended to promote or hamper the free flow of information within countries and across national frontiers;

2. Any suggestions which our Government may wish to make in order to improve existing conditions in this field and enhance freedom of information throughout the world;

3. Any other relevant material which might be useful in the preparation of the report, including suggestions as to its contents and factual data concerning actual conditions.

We have the honour to submit herewith our reply, which we request you to transmit to the Rapporteur, Mr. Salvador P. López.

Points 1 and 2

May we begin by referring you to the following documents:

(a) Our reply to the request for information sent to Switzerland on 8 October 1947 by the Economic and Social Council with a view to the United Nations Conference on Freedom of Information;²

(b) The statement made at Geneva on 25 March 1948 by the head of the Swiss delegation to Committee I of the Conference on Freedom of Information;³

² See *Freedom of Information, a Compilation* (United Nations Publications, Sales No.: 1950.XIV.1. vols. I and II).

³ See document E/CONF.6/C.1/SR.4.

(c) The statement made at Geneva by the head of the Swiss delegation at a plenary meeting at the close of the Conference on Freedom of Information;⁴

(d) The pamphlet *Tableau de la presse en Suisse* (Survey of the Press in Switzerland) prepared by Professor Karl Weber, which was distributed to the Conference on Freedom of Information.

The documents referred to in paragraphs (a), (b) and (c) may be found in the records of the Conference on Freedom of Information held at Geneva in 1948. A copy of Professor Karl Weber's pamphlet is annexed to this letter.

Our position with regard to the problem of freedom of information, as defined by the Swiss delegation to the Geneva Conference, remains unchanged. The Swiss Government continues to believe that the free dissemination of information and expression of opinions by the Press is necessary both within States where it is a prerequisite for the proper functioning of political democracy, and between nations, to enable them to know and understand each other better and to permit world public opinion to become an effective force capable of bringing international life under the rule of reason and law in the interests of peace.

With those objectives in mind, the Swiss Government is ready to consider any new draft international convention designed to ensure freedom of information by requiring States to grant certain minimum rights not only to the nationals of other contracting States but also to their own nationals and, within certain clearly defined limits, to give the nationals of other contracting countries the same rights as their nationals. On the other hand we feel that there are weighty objections to the transposition to international life of the right of reply and correction, which has been embodied in the laws of many countries, either by the adoption of the French system known as the "right of full reply" or "free reply" or by the adoption of the "right of correction" or "compulsory correction" method. If governments were authorized to require foreign newspapers to publish a reply or insert a correction, the effect might well be to provoke or aggravate the international difficulties which it is sought to avert or alleviate; one cannot, moreover, require newspapers, through the right of reply or correction, to act as mouthpieces for foreign propaganda. The real remedy for the evil of false information would seem rather to lie in measures to facilitate a full and rapid flow of news and comment and to increase the critical awareness of the public and the sense of responsibility of those responsible for directing the Press, radio and newsreels.

Although it has participated in the attempt to lay down effective international safeguards for freedom of information, the Swiss Government has from the outset been aware of the obstacles which would be encountered in this venture. Freedom of information affects not only the constitution and legislation of each country but also government practice and indeed the system of government and political ideology of States. It has been rightly observed that absolute values destroy freedom; a State which dreams of a particular form of society and regards it as its ultimate and inevitable goal and as an article of faith will be tempted to prohibit the expression of dissenting opinions or the dissemination of any truth contrary to what it believes to be the incoming of history. The economic structure of society also conditions the solution of the problem of freedom of information; the problem is not the same in countries where the means of production are entirely owned by the State as in countries where private enterprise and private property are the rule. There is no need to stress the danger to

freedom of information inherent in the former system, but it must not be forgotten that the second does not always prevent the establishment of *de facto* monopolies and privileges, the consequence of which is an inadmissible absence of equal opportunity for all to participate in what has been called "the dialogue of society".

It is to be feared that any international convention on freedom of information will be signed and ratified only by those States which find their ideas on the subject reflected in it, and that any signatories which may subsequently undergo a change of domestic régime and feel restricted by the obligations they have assumed will, in the normal course of events, be tempted to denounce or repudiate the convention.

One can imagine a convention having effect only in one or other of the two camps into which the world is ideologically and economically divided. The convention would thereby defeat its own principal object, the reducing of international tension by means of greater freedom in the circulation of news and the expression of opinion.

The debates at Geneva and the subsequent debates in the United Nations show that no international convention on freedom of information would have any chance of being signed and ratified even by the States most in favour of safeguarding that freedom unless, after laying down principles, it allowed the contracting countries to make exceptions to protect the State in time of peace and more particularly in time of war or armed neutrality. There would therefore be a danger that the obligations imposed on the signatories might be evaded.

Since a sense of responsibility and the civic education of those to whom a liberty is granted are in the final analysis the best guarantee against abuses, we wonder whether the United Nations should not encourage the federation of national Press organizations (understood in their widest sense) and the establishment by that federation of bodies responsible for combatting any denial or decay of freedom of information.

Point 3

The status of Swiss legislation on freedom of information in 1948 has been summarized in Professor Karl Weber's pamphlet *Tableau de la presse en Suisse*. In referring to that pamphlet, we would draw the Rapporteur's attention to the following events, at least some of which have occurred since the publication of the monograph:

1. From the outbreak of the Second World War, the Press in Switzerland was subject, as it had been between 1914 and 1918, to exceptional provisions enacted by virtue of the extraordinary powers conferred on the Federal Council by the Federal Assembly. The purpose of those provisions was to protect the military interests and neutral policy of the country. Nevertheless from 1939 to 1945 those exceptional provisions did not include a general prior censorship. The Federal Council abolished control of the Press on the cessation of hostilities. However, for reasons connected with the security of the State, the emergency provisions restricting the establishment of new newspapers, periodicals and Press and news agencies enacted in 1941 and subsequently modified remained temporarily in force. They disappeared and ceased to be effective on 31 December 1952.

2. The outbreak of the Second World War had been preceded by the coming to power of the national socialist régime in Germany, which was one of the causes of the war. Nazism and its policies were vigorously criticized by the Swiss Press, and the German Government made representations to the Federal Council. Although the Federal Council disputed the contention that Swiss neutrality could or should extend to public opinion, it

⁴ See document E/CONF.6/SR.13.

enacted a temporary emergency order on 26 March 1934, to deal with the difficulties of the situation. Under that Order, newspapers "which, by seriously exceeding the limits of criticism threatened to disturb Switzerland's good relations with other States" were to receive a warning; if the warning had no effect, the publication of the newspapers concerned would be prohibited for a specified period. In a further Order of 15 May 1934, the Federal Council set up an "Advisory Press Commission" consisting of representatives of the Press to advise on the application of the Order of 26 March 1934. The two Orders were repealed in August 1945.

3. With the repeal of the emergency Press laws, the constitutional régime was re-established.

Article 55 of the Swiss Federal Constitution of 29 May 1874, which reproduced article 45 of the Federal Constitution of 1848, read as follows:

"Freedom of the Press is guaranteed.

"The cantonal laws shall, however, prescribe the measures to prevent abuses; such laws shall be subject to approval by the Federal Council.

"The Confederation may also determine the penalties to be applied in the case of abuses against it or its authorities."

On the entry into force of the Swiss Penal Code of 1 January 1942, the second and third paragraphs of article 55 of the Constitution were repealed and the constitutional provisions regarding the Press were then confined to the single phrase: "Freedom of the Press is guaranteed".

The Federal Council felt that this very brief statement in article 55 was more in the nature of a proclamation than an effective constitutional provision and that an inadequate definition of freedom of the Press might give rise to misunderstandings regarding the significance and scope of an individual freedom which was one of the corner-stones of a free political régime. It therefore proposed to the Federal Assembly in a message of 19 October 1951 that the present text of article 55 should be replaced by the following:

"Freedom of the Press is guaranteed.

"It includes the free dissemination of information and the free expression of opinions by the Press.

"Federal and cantonal provisions on abuses of freedom of the Press shall be subject to a popular referendum; they must take into account the function of the Press in a democratic State.

"All censorship is prohibited.

"The cantons may enact provisions regarding the Press provided that they are not contrary to the Federal Constitution".

The message is now before the National Council, by which it must first be considered. It has been examined by a committee of the National Council and a majority suggested that the Government's proposal should be amended as follows:

"(1) Freedom of the Press is guaranteed.

"(2) It includes the free expression of opinions and the free dissemination of information by the Press.

"(3) Provisions and measures on abuses of freedom of the Press must take into account the function of the Press in a democratic State. Provisions on freedom of the Press may be enacted only by acts or orders on which a popular referendum must be held or may be requested. Administrative measures regarding abuses of freedom of the Press shall be subject to examination by a court of law if the person concerned so requests.

"(4) All censorship is prohibited.

"(5) The cantons may enact provisions regarding the Press provided that they are not contrary to the Federal Constitution".

It is impossible to say exactly what form article 55 of the Federal Constitution will finally take. One of the most controversial points seems to be the following: The Swiss Press associations would like the Constitution to prohibit all administrative measures for the prevention of abuses of freedom of the Press; they feel that preventive measures should be a matter for the courts alone. The majority of the committee of the National Council did not feel that it could go as far as that, but its proposal provides for an appeal to the courts against any preventive measures taken by the administration. In any event one thing is certain: the current revision of the Constitution is not for the purpose, and will not have the effect, of diminishing the freedom enjoyed by the Swiss Press.

4. The following important reform should also be mentioned: The Federal Act of 5 October 1950 amended a number of articles in the Swiss Penal Code of 21 December 1937, including article 27 on the responsibility of the Press and articles 173 and 174, No. 1, on offences against honour and particularly defamation.

The former article 27 of the Swiss Penal Code is reproduced on pages 11 and 12 of Professor Karl Weber's *Tableau de la presse en Suisse*, to which we have already referred. The amendment consisted, first, of the deletion of No. 6, which provided that the period of limitation for criminal proceedings was one year from the date of publication; the general provisions of the Penal Code regarding the limitation of actions now also apply to Press offences. No. 7 of the former article 27 thus became No. 6 and extended the group of offences to which the provisions of No. 3, paragraph 2, did not apply ("The editor is not obliged to disclose the author's name. In order to discover the latter's name, none of the measures of coercion prescribed by procedural law may be used against the editor, the printer or his staff, or against the managing director or the publisher of the newspaper or periodical").

Article 27, No. 6, now reads:

"The provisions of No. 3, paragraph 2, shall not apply in cases of high treason, threats to the independence of the Confederation, diplomatic treason (articles 265 to 267), support of foreign enterprises or designs directed against the security of Switzerland (article 266 a), espionage (articles 272 to 274), infringements of the constitutional order (article 275), subversive propaganda (article 275 a), illicit associations (article 275 b), and infringements of military security (articles 276 and 277)".

The main amendments to articles 173 and 174, No. 1, on defamation were dictated by the desire to take into account the particular requirements of the Press. In questions of defamation, the judge can no longer impose a penalty if the accused proves that he verified the facts with due care. Under the previous text, it was not enough for the accused to prove that he had serious reasons for believing in good faith that the allegations were true, he also had to prove the actual truth of the allegations. The accused cannot, however, rely on the plea of justification that he believed the allegations to be true or that they were true if the allegations were uttered or spread without consideration for the public interest or without other adequate motive, the main purpose having been to speak ill of others, especially if the allegations concern private or family life. Before the text was amended it was not possible to prove the truth of the allegations if such proof was not in the public interest, the allegations concerned private or family life or the accused had uttered them mainly for the purpose of speaking ill of others.

Articles 266 a (foreign enterprises or designs directed against the security of Switzerland), 275 (endangering or infringing the constitutional order), 275 a (subversive propaganda), 296 (insults to foreign States), 297 (insults to international institutions), 302 (proceedings in respect of crimes and offences liable to compromise Swiss relations with other countries) were also among the provisions of the Swiss Penal Code concerning the Press which were amended or introduced by the revision of 5 October 1950. For further details we would refer you to the Federal Act of 5 October 1950, a copy of which is annexed to this letter.

5. In addition we should mention the Federal Council Order of 29 December 1948 concerning subversive propaganda, which was based on article 102, Nos. 8 to 10, of the Federal Constitution. Article 1 of the Order reads:

"The Public Prosecutor of the Confederation shall be responsible, in co-operation with the customs and postal authorities, for seizing any objects which may be used for propaganda likely to endanger the internal or external security of the Confederation, in particular the independence, neutrality, foreign relations, political and democratic institutions of Switzerland or the interests of national defence, together with anti-religious publications or objects. Power to confiscate rests with the Federal Council."

Annexes:

1. Karl Weber, *Tableau de la presse en Suisse* (1948).
2. Federal Council Order of 29 December 1948 concerning subversive propaganda.
3. Federal Act of 5 October 1950 amending the Swiss Penal Code.

SYRIA

The Syrian Government welcomes all steps that may be taken with a view to ensuring the free flow and exchange of information among various countries. Such a support is in full harmony with the Syrian Law of Press, which guarantees public freedoms and their effective enjoyment; the Government of Syria guarantees in fact freedom of opinion and freedom of expression whether in speech, in writing, graphically and through all other possible means of expression. This includes Press and printing. Accordingly news agencies have been given the absolute right to everything connected with Press information and obtained by virtue of a personal effort, as well as to all products of human talents written or verbal, to all news whose value depend on quick reporting, to all articles and generally to all information obtained by specialized personnel belonging to or working for a news agency.

The Syrian Government is also keen on learning about the suggestions to be formulated by the Secretary-General in conjunction with UNESCO about ways and means of encouraging and developing independent domestic information agencies as stipulated in resolution E of 13 June 1952.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

General comment

Freedom of information, that is to say freedom to communicate and receive facts and opinions, without hindrance, is a condition which most men regard as desirable in itself and essential to the development of knowledge and understanding in a community.

But no society is so perfect that it is able entirely to free its members from all restraint. Freedom is always relative and always limited. One freedom may be limited to protect other freedoms. The exercise by individuals of one freedom may be limited to ensure the greatest possible enjoyment of that freedom by others. Laws relating to copyright, libel, sedition and obscene publications are examples of restrictions which may be justifiable, and exceptional factors such as a state of emergency may give rise to further temporary restrictions. The limits which are desirable must depend on the nature of the society, and will be a measure of the education and development of the society.

Nevertheless it may in general be said with truth that all such limits are to be deplored, as reflecting imperfections in the society concerned, or in the international society of which it forms part, and that freedom, and specifically freedom of information, is a good actively to be sought. It follows that the limits on freedom of information should be as small as may be essential to achieve the objective for which they are required, and that the less governments interfere with it the better.

It follows also that freedom of information should be given such positive and practical encouragement as may be possible. This is to be obtained principally by education and the provision of increased facilities for communication.

One of the aspects of a society which determines its capacity to give the maximum freedom to the exchange of information is the general level of education of its people. The truth of this statement is however dependent on the extent to which the purpose and effect of education is to widen the understanding and knowledge of the citizens, and not to develop them only in certain directions.

Freedom of information is dependent on technical resources but is not created by them; technical resources may be available in a high degree, while freedom of information itself is suppressed. Moreover, the too rapid introduction of techniques into a society may create confusion in the minds of its citizens, and this in its turn may be made the excuse for unjustifiable interference with freedom of information. A process of adjustment to new techniques of acquiring information is therefore often desirable and this is equally true of countries which are technically advanced as of those which are not. Television is an example of a new technique which is raising many problems. Thus education is not only a condition precedent to the enjoyment of freedom of information in accordance with existing techniques but it should be an element in any development of that freedom which may be brought about by new techniques.

Most people, in most countries, understand freedom of information in the sense which has been given to it in the first sentence of this memorandum. Many of them assume that this freedom exists where the only limitations imposed on it are those familiar and acceptable to themselves. The limitations accepted by one society may be repugnant to another, but such differences of interpretation can usually be explained by differences in local circumstances. There is, however, a group of countries in which the generally accepted concept of freedom of information is rejected and where a different practice results, not so much from different circumstances but from an altogether different understanding of the meaning of freedom. In these countries the only "freedom" which is encouraged and perhaps understood is freedom to obey the ruling clique, and "freedom of information" is merely used to buttress up the party in power. Clearly there can never be any agreement about the right means of promoting freedom of information between the holders of this concept and the rest of the world.

A. *Views of Her Majesty's Government on contemporary problems and developments which have tended to promote or hamper the free flow of information within countries and across national frontiers*

The chief contemporary problem both nationally and internationally is that of the extent to which restrictions on freedom of information can justifiably be imposed by governments.

It is clear from what has been said above that it is not possible to formulate in general terms all the circumstances in which restrictions can properly be applied except in categories so broad that they would allow of an unjust measure of restriction being imposed in individual instances, and it is this which makes it doubtful whether a Convention would serve a useful purpose. Indeed it might be positively harmful. What is important is that each State should permit the greatest freedom which is compatible with its circumstances. The degree of freedom of information existing in a country is therefore best judged not by the terms of its legislation or constitutional guarantees, but by its actual practice, namely, by the extent to which, under whatever provisions are applicable, restrictions are in fact imposed on this freedom and by the nature of these restrictions.

Her Majesty's Government believe, however, that since in certain States where a true democracy has been achieved the importance attached to freedom of speech and communication has been a main element in achieving it, the degree of freedom of information which has been attained in these States will provide a useful criterion of the extent to which this freedom can be realized in practice.

States may be able to claim with truth that they are endeavouring to maintain freedom of information even though their laws about the restrictions on that freedom may vary, and their practice in applying these laws may be moved by a greater or less degree of devotion to freedom of information as an ideal. But there are certain restrictions which are so obviously incompatible with freedom of information that no government which adopts them can truly be said to be pursuing that freedom. No country can pretend to favour freedom of information when it decrees the permanent prohibition of political parties in opposition to the government; when it maintains the deliberate jamming of foreign broadcasts; when it imposes Press and other forms of censorship as a normal and not as an emergency measure, and when its general policy is to prohibit or obstruct the importation and circulation of books and publications from other countries.

Among factors tending to maintain and develop freedom of information, Her Majesty's Government consider the following of primary importance:

(a) The creation of an educated public opinion capable of evaluating facts, opinions and information obtained from different sources, and exercising an informed judgment;

(b) The existence in each country of journalists, broadcasters, authors and artists with high standards of professional ethics and competence;

(c) The granting of all reasonable facilities to Press, film and radio correspondents to travel and reside in the territories to which they are assigned, and to gather and transmit news freely;

(d) The exchange of information between countries by such means as the import of books and printed matter, the exchange of radio programmes and travel by students and others to foreign countries.

B. *Suggestions by Her Majesty's Government to enhance freedom of information throughout the world*

The general aim should be the widest possible exchange of ideas and opinions, both within nations and internationally, and in paragraphs (a) to (d) of the preceding section of this memorandum Her Majesty's Government have already indicated certain elements which they regard as essential if this aim is to be achieved.

With regard to education, Her Majesty's Government hold that only education which is itself objective in its aims, which respects facts, and which encourages the free exercise of judgment on facts and ideas, can ensure the existence of conditions in which freedom of information can be promoted. An ignorant or unstable public opinion is a temptation alike to governments, organizations and individuals to interfere with freedom of information.

Her Majesty's Government hope that such expedients as the Agreement on the Importation of Educational, Scientific or Cultural Materials adopted by the United Nations Educational, Scientific and Cultural Organization in 1950, if generally accepted, will play a useful part in facilitating the international exchange of information. They also believe that the development of travel facilities will promote freedom of information. They hope that technical assistance schemes which aid the spread of accurate knowledge will also help towards this end. Among such schemes there may be included projects for the development of domestic information agencies referred to in the Secretary-General's memorandum on technical assistance and national information enterprises (E/CN.4/Sub.1/149).

C. *Other relevant material which may be useful in the preparation of the report including suggestions as to its contents and factual data concerning actual conditions*

Her Majesty's Government assume that the Rapporteur, in analysing the concept of freedom of information, will interpret this term in the general sense indicated in the introduction to this memorandum, and that he will consider the practice of governments, particularly as revealed by independent Press and information organizations, as well as laws and constitutions, in making his analysis.

Her Majesty's Government are in agreement with the method proposed by the Rapporteur for compiling his report as outlined in United Nations document A/C.3/L.250. The division of the report into four parts dealing with:

- (a) The meaning of freedom of information,
- (b) An analysis of the efforts to promote it,
- (c) The existing problems of freedom of information,
- (d) Suggestions for national and international action, should result in a clear and comprehensive treatment of the subject.

In connexion with the factual data which the Rapporteur proposes to examine, Her Majesty's Government would refer to the information already published in the United Nations compilation containing comments by Her Majesty's Government in response to a request for information sent to Member States by the Secretary-General of the United Nations in 1948. Further information as to factual data is available in the report of the Royal Commission on the Press (Command paper 7700) published in June 1949. The Defamation Act of 1952 is the only recent legislation in the United Kingdom which is relevant to this subject.

In reply to the Secretary-General's note of 18 September 1952 transmitting the request of Mr. Salvador P. López, the Rapporteur on Freedom of Information appointed by the Economic and Social Council at its fourteenth session, the United States Government wishes to set forth some of its views and opinions regarding contemporary national and international developments and problems which have tended to promote or hamper the free flow of information, together with some suggestions regarding practical action which might be taken in order to surmount those obstacles to the fuller enjoyment of freedom of information which can be surmounted at the present time. It is noted that because mass media have developed in the United States through individual initiative and private enterprise with a minimum of governmental control, much of the information sought by the Rapporteur should be and can be provided by the eighty-three non-governmental organizations in the United States to whom similar requests have been directed by the Rapporteur.

The United States Government welcomes this opportunity to reaffirm its belief that the free flow of information is a fundamental factor in the establishment and maintenance of national and international stability and peace. During its 175 years of existence as an independent nation, the United States has held to the basic principles of freedom of information as set forth in the Constitution of the United States. The United States considers that, notwithstanding occasional abuses and shortcomings, these constitutional guarantees of freedom of information have resulted in the provision to the people of the United States, by independent unofficial media, of an unparalleled range of information.

I. THE UNITED STATES CONSTITUTIONAL AND LEGAL PROVISIONS GUARANTEEING FREEDOM OF INFORMATION

The basic principles of freedom of information in this country are set forth in the First and Fourteenth Amendments of the United States Constitution.⁵ The First Amendment, adopted in 1791, reads:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the Press; or the right of the people to assembly, and to petition the Government for a redress of grievances." Although the First Amendment did not itself restrict the powers of the States as distinct from the Federal Government, the constitutions of the States themselves have almost universally provided similar safeguards.

The Fourteenth Amendment to the United States Constitution, adopted in 1868, provides, *inter alia*:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law ..."

The freedoms of speech and the Press, comprehending freedom of expression generally, established by the composite of American constitutional law, are, of course, not absolute. "Freedom of speech thus does not comprehend the right to speak on any subject at any time." *American Communications Assn. v. Douds*, 339 U.S. 382, 394 (1950). "The First and Fourteenth Amendments have never been treated as absolutes. Freedom of speech or Press does not mean that one can talk or distribute where, when and how one chooses. Rights other than

those of the advocates are involved. By adjustment of rights, we can have both full liberty of expression and an orderly life." *Breard v. Alexandria*, 341 U.S. 622, 642 (1951). "Speech ... is not an unlimited unqualified right, but ... the societal value of speech must, on occasion, be subordinated to other values and considerations." *Dennis v. United States*, 341 U.S. 494, 503 (1951).

In safeguarding the freedoms of expression and balancing them against other values and considerations, the judiciary, notably the United States Supreme Court, has had a leading role. This has been most conspicuous in the past three decades, when the Supreme Court has reviewed a multitude of criminal convictions and civil judgments under state and federal statutes, where the contention has been that the statute or the conviction or judgment was an unconstitutional interference with the defendants' right to freely speak or publish. The baffling search for the line where freedom from restraints ends and regulation properly begins has led the Court into attempts to devise and apply a standard. The most notable to survive is the so-called "clear and present danger" test, which in its origin was stated by Mr. Justice Holmes, thus:

"The question in every case is whether the words are used in such circumstances and are of such a nature as to create a *clear and present danger* that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree." *Schenck v. United States*, 249 U.S. 47, 52 (1919). (Emphasis supplied)

As enunciated and early applied, the clear and present danger test appears to have been intended as a guide for prosecutors and judges in testing the sufficiency of evidence in particular cases. In later cases it has been applied in testing the validity of legislation. Mr. Justice Brandeis stated that the danger to be apprehended must be "imminent" and the evil to be prevented "serious". *Whitney v. California*, 247 U.S. 357, 376 (1927). Later in *Bridges v. California*, 314 U.S. 252, 263 (1941), the Court said the evil must be "extremely serious and the degree of imminence extremely high" before utterances can be punished; and the Court has urged, if not held, that the right of speech occupies a preferred position, *Thomas v. Collins*, 323 U.S. 516, 530 (1945); *Kovacs v. Cooper*, 336 U.S. 77, 88 (1949). But still later, and most recently, the Court in *Dennis v. United States*, 341 U.S. 494 (1951), has pronounced the meaning of clear and present danger in terms which appear to veer from "imminence" of danger, and the "preferred" position for freedom of speech, towards a balancing of values. Thus it was said, "In each case (courts) must ask whether the gravity of the 'evil', discounted by its improbability, justified such invasion of free speech as is necessary to avoid the danger." 341 U.S. 510.

The course that the clear and present danger test has run, since 1919, suggests that its meaning, the kind of cases to which it applies, and perhaps its usefulness as a guide, are yet to be settled. Nevertheless, for the time being, it appears to stand as a sort of "rule of reason" under which arbitrary legislative and administrative attacks upon freedom of speech and Press may be stricken down.

II. THE UNITED STATES CONCEPT OF FREEDOM OF INFORMATION

The United States concept of freedom of information was stated by the United States representative at the opening of the session of the United Nations fifteen-nation committee, which was established to draft a convention on freedom of information in January 1951:⁶

⁵ A previous report by this Government to the United Nations, *United Nations Conference on Freedom of Information, Replies to request for information, annex K (E/CONF.8/9/Add.6)*, covers in detail the constitutional and legal bases of freedom of information in the United States.

⁶ United States Mission to the United Nations, Press Release No. 1116.

"Freedom of information is the basic communications system of a democratic society, and without it that society and that way of life cannot thrive. It is the means by which common, every-day citizens seek and receive information about their work and about new methods of work; about their living conditions, good or bad, and the reasons for them; about their local officials, their state governments and their national government. It is the process by which they reach their decisions and make them felt upon those who govern, so that their country is ruled according to the wishes of the people. Therefore, when information is inadequate, when it is incorrect, when it is false, the decisions of our society are warped and misshapen and the common good suffers.

"Freedom of information is the right of every person to have access to all available facts, ideas and opinions regardless of source, and not only to the information approved by his government or any party. It is his right to test the official pronouncements of his government against the opinions of his fellow citizens, and those held by other peoples; his right to state his frank opinion of his public officials, and those of other governments as well. It is his right to communicate freely with his fellow citizens, and with those of other nations.

"We believe that the exercise of this freedom is the inalienable right of every person. We believe that this freedom belongs to that relatively small but vital area of the democratic process which must remain, as far as possible, immune from governmental interference. This is the absolute test of democratic government. To the extent that the exercise of this freedom is not free, no other liberty is secure."

III. SOME FACTORS REFLECTING FREEDOM OF INFORMATION IN THE UNITED STATES

Three of the factors which reflect freedom of information in the United States are the volume of information reaching the people, the access to a multiplicity of news sources, and the objectivity of news reporting.

A. Volume of information in the United States : Newspapers and periodicals

There are upwards to 20,000 newspapers and periodicals published in the United States on a regular basis. Approximately 5 per cent of these publications (1,064) are in foreign languages. Seven thousand of the total are classified as periodicals of a general and technical nature which reach and serve large cross-sections of the population. An indication of the diversity of these periodicals is shown by the following partial breakdown : 700 religious periodicals; 500 agricultural periodicals; 312 labour periodicals, and 222 Negro periodicals. One hundred and fifty of the periodicals published belong to fifty chains; the remainder are independent of one another.

There are more than 12,000 newspapers published in the United States, of which 1,775 are daily papers. Newspaper groups and chains total fifty-five and have as members 340 daily papers. The individual newspapers belonging to a group do not necessarily reflect the points of view of the directors of the group. In the field of daily newspapers, 1,435 are independents. The newspapers present divergent points of view. Some of them, such as the *Daily Worker*, are overtly opposed to the Government.

The large portion of daily news in the United States is transmitted by three major wire services, the Associated Press, the International News Service, and the United Press. There are more than 200 other news feature and picture organizations for editors and pub-

lishers to draw upon. Many newspapers and other mass-media organs have special reporters assigned to Washington, New York and other key news centres.

The production and distribution of newspapers and periodicals are not controlled by the Government. The Government facilitates the free flow of information through reduced postal rates. Special rates are granted to newspapers. Periodicals which fulfil four requirements may also be sent at a special rate :

(1) Issued at stated intervals, at least four times a year, with a date and consecutive numbering ;

(2) A known office of publication ;

(3) Printed and not mimeographed, etc., a periodical and not bound so as to be a book ;

(4) "Must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts or some special industry", have a legitimate list of subscribers, and not be designed primarily for advertising purposes or free circulation or for circulation at a nominal rate.

These reduced postal rates fall far short of meeting the costs of handling by the United States Post Office. Revenues from this class of mail are estimated at one-fifth of the cost of carrying it. A U.S. Senate committee has observed that "one of the great stimuli to the growth of newspapers and magazines of America has been the special rates which Congress has ordered the Post Office to set for their distribution."

B. Volume of information in the United States : News films

The volume of news available to the American people is enhanced by the paid admission of an average of fifty million persons a week to the 20,000 motion picture theatres in this country. Although attendance at the movies is primarily in terms of entertainment, the majority of movie theatres include in all of their regular presentations newsreels. Two news films are produced each week by each of five major film companies. Other news and information films are also produced regularly by individuals and organizations. There are no Government controls on the production of news and information films.

C. Volume of information in the United States : Radio

The most significant increase in the volume of information available to the people of the United States has been brought about by the impact of radio and television. In 1942 there were 923 radio broadcasting stations in operation. By 1953 there were approximately 3,000 AM and FM radio broadcasting stations. Of this number, there were approximately 149 educational radio stations owned and operated by educational institutions on a non-commercial basis. The radio broadcasting stations in the United States are not owned or subsidized by the Federal Government.

Among the important factors which determine the number of radio broadcasting stations that may be authorized is the availability of radio frequencies. Licences for the operation of radio stations are granted upon application to the Federal Communications Commission. The organization making application must be legally, financially and technically qualified to operate the proposed station. The Federal Communications Commission's rules and policies assure diversity of ownership by forbidding any single entity to own or control more than seven radio broadcasting stations or more than five television stations. Whether an applicant is affiliated with any political party is not a factor inquired into or considered in determining the granting of a station authorization.

Radio broadcasting stations are required to operate in the public interest. The statutory requirement of operating in the public interest, convenience and necessity embodies the general requirement that each broadcaster present a balanced programme structure, including education, information and other forms of public broadcasting. The Federal Communications Commission may refuse to renew a licence if such action would be in the public interest. However, before any such action is taken the licensee is entitled to a formal public hearing and the determination of the Commission must be based upon the record made of such a hearing. Moreover, there is the right of judicial review of any administrative decisions made by the Federal Communications Commission or Government organs responsible for the administration of governmental regulations.

In January 1952, there were 105,300,000 radio receiving sets in this country as compared to 57,800,000 in 1942. Residents of the United States are free to purchase and operate radio receivers without any governmental limitation. The registration of radio receiving sets is not required; there are no operating taxes; there are no listener restrictions.

By January 1952, approximately 42,800,000 families had access to local news from local broadcasting stations and national and international news carried by the radio networks. Many radio broadcasting stations subscribe to one or more of the major networks. There is a minimum of approximately one hour and forty-five minutes of network news daily, in addition to news broadcasts originated by the individual stations, from which the American radio listener can choose. The radio listener may hear differing points of view and interpretation of the news expressed by representatives of such special interest groups as the churches, the trade unions and the manufacturing associations.

In addition to news programmes, there are an increasing number of information programmes such as speeches, forums and interviews, which give the American people access to a first-hand knowledge of unfettered governmental and non-governmental opinion and thought. Speeches by representatives of the opposing political parties were broadcast during the 1952 presidential campaign and groups of experts discussed in open forum the major political issues. Such free radio forums as the University of Chicago "Round table of the Air", which covers types of problems of general public interest and which bring together experts representing divergent points of view are carried by major radio networks. There are also increasing numbers of forums conducted by both the local radio stations and the networks which foster the participation of individual citizens in the American town-meeting type of discussion which affords the free expression of opinion by individual citizens. Radio broadcasts are not censored by the Government.

D. *Volume of information in the United States: Television*

The technological advances in the field of television in the past few years and the resultant growth of the industry have greatly increased the free flow of information to the American people. The expansion of television broadcasting stations, as in the case of radio, is limited by the number of frequencies available. Television broadcasting stations are licensed by the Federal Communications Commission in the same manner as radio broadcasting stations.

In January 1953 there were 137 television broadcasting stations in operation in the United States. The construction of approximately 240 additional stations had also been authorized, and provisions had been made under which channel assignments were available for stations in over 1,200 communities in order that a competitive nation-

wide service might be developed. Because of technical factors which limit the geographic area serviced by one station, the stations presently in operation reach only about 65 per cent of the population of the United States. The greater coverage at this point is found in the eastern and central parts of the country.

Under existing rules allocating television channels for use in particular communities, over 200 assignments are reserved for non-commercial educational stations, and a number of applications for authority to construct such stations have been granted. Several states, such as New York, New Jersey, Wisconsin and North Carolina, have under consideration the establishment of such stations.

As in the field of radio, there are no governmental restrictions on the ownership or operation of television receiving stations. During the past seven years the number of television receiving sets in use in homes in the United States has increased from 8,000 in 1946 to 21,234,100 as of 1 January 1952. During the presidential campaign of 1952 the major political conventions convened to nominate presidential candidates who were telecast and seen by millions of citizens. "Meet the Press", "Omnibus", and "Perspective" are examples of the types of informational and educational programmes being developed in the field of television. There is no Government censorship. Moreover, as in the case of AM and FM stations, the television station licensee is required to maintain a standard of fairness in the presentation of material concerning controversial matters and is prohibited from censoring broadcasts by candidates for political office.

E. *Access to a multiplicity of news sources in the United States*

The volume of information reaching people does not guarantee freedom of information unless journalists and others concerned with the collection and dissemination of information have access to a multiplicity of news sources. In the United States there is no licensing of individual newsgatherers. Any citizen is free to collect and publish any information he may obtain with only such general limitations as are provided by the juridical interpretation of constitutional limitations. Although there is no specific constitutional provision guaranteeing access to information, the pressure of public opinion and constant vigilance by journalists and the mass-media organizations help insure the American tradition of free access to news sources.

News may be transmitted by telegraph, telephone, radio and other facilities on which there are no governmental restrictions relating to the transmission of information. In accepting news and publications for transmittal, the United States Post Office is prohibited from carrying obscene materials or materials which constitute a clear and present danger to the security of the State.

1. *Restrictions on the release of certain types of information by the Executive Branch of the United States Government*

The contemporary international political climate, which has increased world tensions, prompted the President of the United States on 24 September 1951 to issue an Executive Order "Describing Regulations Establishing Minimum Standards for the Classification, Transmission and Handling, by Departments and Agencies of the Executive Branch, of Official Information which Requires Safeguarding in the Interest of the Security of the United States". Some of the Press associations and journalists' organizations expressed concern, fearing that some agencies of Government might classify non-security information and thereby threaten free access to information. The President pointed out that the order applied only to officials and employees of the Executive Branch of the

Government and stated that "The public is requested to co-operate but is under no compulsion of threat or penalty to do so as a result of this order"; that this order does not in any way alter the right of citizens to publish anything.

2. *Foreign correspondents' access to news sources in the United States*

There are no special restrictions on foreign journalists entering the United States. Legislation which became effective in 1952⁷ is aimed at preventing the entrance into the United States of anyone who advocates the violent overthrow of the Government of the United States or who was or is a member of any totalitarian party. This law does not preclude the entrance of newsmen as government officials, as in the case of the TASS representatives of the USSR. Journalists are admitted on the same basis as any other alien visiting the United States temporarily as a tourist or for business or pleasure.

There are no special restrictions on the transmission of news by foreign correspondents operating in this country. Foreign correspondents attend Press conferences held by the President of the United States and other leading officials. They are accorded the same privileges of the Press gallery of the United States Congress as are accorded citizens of the United States.⁸

F. *Objectivity of news reporting in the United States—Codes of ethics*

In the United States the professional journalists' organizations have displayed a continuing concern with the development of responsibility and the maintenance of ethical practices. In 1923 the American Society of Newspaper Editors adopted "Canons of Journalism". Several professional newspaper organizations have voluntarily agreed to abide by these ethical rules. Other organizations have developed or are developing codes of ethics. The continuing practice of self-criticism and self-evaluation on the part of the newspaper profession results in a vital awareness of responsibility. This interest is reflected in such professional journals as the weekly *Editor and Publisher* and the monthly *Quill*.

In the field of motion pictures there are approximately one hundred individual producing companies and ten major distributing companies. Ninety per cent of the film industry producers and distributors belong to the Motion Picture Association of America, which more than twenty years ago adopted a code of ethics by which the film industry voluntarily abides. There is no censorship of domestic films by the Federal Government.

In some cities and states film review boards have been established to prevent the showing of entertainment films considered by these boards to be obscene or not in the public interest. The Motion Picture Association of America and other film organizations have been supported by the Supreme Court in defeating efforts at local censorship. A local attempt to censor news films in Ohio was defeated by court decision.⁹

The newer mass media, radio and television, like the film and newspaper industries, have developed their own codes of ethics and standards of practice without interference from the Government. The National Association of Radio and Television Broadcasters' television code

provides in the section, *Treatment of News and Public Events, News*: "News reporting should be factual, fair and without bias. Commentary and analysis should be clearly identified as such." The television broadcasting stations which do not belong to the National Association of Radio and Television Broadcasters have established similar codes of ethics and standards of good practice to assure the objective, responsible gathering and dissemination of news.

G. *The training of journalists in the United States*

Journalism is a relatively new profession. Fifty years ago a very small percentage of the journalists had college training, and specialized training in journalism was virtually unknown. Today there are ninety-six schools of journalism in the United States. The schools of journalism in this country are in no way subjected to Government restrictions or domination. Thirty-nine of these schools are accredited by the American Council on Education for Journalism which, amongst other things, is concerned with developing a sense of responsibility as a part of the training for the public service of journalism. The current trends in the training of journalists place increased emphasis on the liberal arts, such as the study of literature, social science and history. For example, the Columbia University Graduate School of Journalism requires four years college training in the liberal arts (Bachelor of Arts, Bachelor of Science or comparable degrees) before admitting students to the school. Through this increased and appropriate training of journalists, the United States Government believes that there will develop an increasing sense of responsibility and greater assurance of ethical practices. The training of news personnel in the United States today is resulting in the acquiring of the necessary background knowledge of foreign countries and cultures to enable United States trained journalists to report and comment with increasing accuracy and understanding.

IV. BILATERAL EFFORTS TO ADVANCE FREEDOM OF INFORMATION

Aware that the free flow of information to all peoples is a basic element in furthering the cause of international understanding and the attainment of peace, the United States Government and non-governmental organizations support both bilateral and multilateral efforts to advance the cause of freedom of information.

A. *Treaties of friendship, commerce and navigation*

In 1948, the United States and the Italian Republic signed a Treaty of Friendship, Commerce and Navigation. Article 11, paragraph 2, of this Treaty promotes international freedom of information by providing that:

"The High Contracting Parties declare their adherence to the principles of freedom of the Press and of free interchange of information. To this end, nationals, corporations and associations of either High Contracting Party shall have the right, within the territories of the other High Contracting Party, to engage in such activities as writing, reporting and gathering of information for dissemination to the public, and shall enjoy freedom of transmission of material to be used abroad for publication by the Press, radio, motion pictures, and other means. The nationals, corporations and associations of either High Contracting Party shall enjoy freedom of publication in the territories of the other High Contracting Party, in accordance with the applicable laws and regulations, upon the same terms as nationals, corporations or associations of such other High Contracting Party. The term 'information', as used in this paragraph, shall include all forms of written communications, printed matter, motion pictures, recordings and photographs."

⁷ McCarran-Walter Act, Public Law 414, 82nd Congress, chapter 477, 2nd Session, H.R. 5678.

⁸ A previous report by this Government to the United Nations, *United Nations Conference on Freedom of Information, Replies to request for information, annex K (E/CONF.6/9/Add.6)*, 9 March 1948, pp. 12 to 17.

⁹ *Martin Smith v. State of Ohio*, Municipal Court of Toledo, decision September 10, 1952 in favour of newsreel companies; state did not appeal.

Similar provisions are included in other recent treaties of friendship, commerce and navigation with Uruguay in 1949, Ireland in 1950, and Colombia, Denmark, Greece and Israel in 1951, which have been signed by the United States. The United States stands willing to negotiate treaties of this kind with all well disposed countries.

B. Exchange of persons: bilateral programmes

Federal legislation in the United States concerning the exchange of persons, knowledge and skills has always included the exchange of mass-media personnel. In 1939, under the Act of Cooperation with other American republics (Public Law 355, 76th Congress), an exchange programme was entered into with a number of Latin American specialists in the fields of journalism, publishing and broadcasting, to enable them to observe professional and technical developments in the United States. Simultaneously, United States specialists in these fields have visited other American republics as consultants, lecturers and advisers. Under this Act and other related laws authorizing the exchange of specialists and distinguished leaders in all fields, thirty-one journalists, thirteen publishers and three radio representatives from other American republics visited the United States during the period 1941 to 1947. During the same period, three journalists and eight publishers from the United States visited other American republics.

Additional legislation has made possible the expansion on a world-wide basis of bilateral personnel exchange programmes. In 1946 the Fulbright Act (Public Law 584, 79th Congress) was passed for the specific purpose of facilitating educational exchanges, including mass media. The United States Information and Exchange Act of 1948 (Public Law 402, 80th Congress, 2nd Session) provides for an interchange of leaders in two fields of specialized knowledge and skills between the United States and other countries on a reciprocal basis.

The belief of the United States in the efficacy of exchange of personnel programmes as a practical means by which freedom of information can be advanced is indicated by the increased emphasis on the exchange of personnel by both governments and non-governmental organizations. Three hundred and fifty-one grants were made during 1951 by the United States Government to enable foreign leaders in the mass-media field to visit and study in the United States. During the same period twelve American mass-media specialists visited other countries to lecture and assist in the development of modern techniques and practices. Also during this period the Government gave grants to seventy-eight foreign students, lecturers, teachers and scholars to study in this country and nine grants were given to American students and scholars to study in other countries. In addition to the aforementioned International Exchange of Persons programmes carried on by the Exchange of Persons Division of the United States Government, small numbers of journalists and publishers, primarily from European countries, visited the United States as guests of the Mutual Security Agency of this Government.

The world-wide scope of this programme is illustrated by the following breakdown of the foreign mass-media leaders who have visited the United States during 1952:

Foreign Leader— Country	Jour- nalism	Publish- ing	Radio and tele- vision	Films and photo- graphy	Other
Argentina	1				
Australia	1		1		
Austria	6			2	
Belgium	4		2		
Brazil	4		2		
Burma					1

Foreign Leader— Country	Jour- nalism	Publish- ing	Radio and tele- vision	Films and photo- graphy	Other
Ceylon	2				
Chile	2				
Colombia	1				
Costa Rica	1				
Cuba	2				
Denmark	7		2		
Egypt	6		1		
Finland	1	1		1	
Formosa			1		
France	23	1	2		1
Germany	78	8	20	29	5
Greece	3	1	1		
Iceland	3	1			
India	9				
Indonesia	2	3	1		
Ireland	1		1		
Israel	1				
Italy	16		4		
Jordan			1		
Korea	1	1			
Liberia		1			
Luxembourg ..	1				
Malaya	2				
Netherlands ...	5		2		1
New Zealand ..	2		1		
Norway	7				
Pakistan	2		2		1
Panama	1				
Peru					1
Philippines ...	3		3		
Portugal	3				
Spain	1				
Sweden	7	1	1		
Switzerland ...	4		1		
Syria	3	2			
Thailand	1	1			
Trieste	1				
Turkey	2				
Union of South Africa	1	1			
Uruguay	1				
United Kingdom	12		3		1
TOTAL	234	22	52	32	11

Total number of foreign leaders who visited the United States as guests of the Government - 351.

V. SOME INTERNATIONAL PROBLEMS HAMPERING FREEDOM OF INFORMATION

At a time in history when technological advances have made the full and rapid transmission and dissemination of news possible, one third of the people of the world have been deprived of freedom of information by the Union of Soviet Socialist Republics and countries within the Soviet orbit. The peoples of the USSR, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Albania, Communist China and other parts of Asia within the Soviet orbit are permitted to receive only such information as is prescribed by the Government.

The semi-annual surveys made by the United States non-governmental organization, the Associated Press, regarding restrictions placed on foreign correspondents throughout the world, reveal that the free flow of information is restricted by many governments which espouse freedom of information, and that in recent years the incidents of restriction have tended to increase rather than decrease.

The foregoing is merely indication of the fact that there is a wide diversity of philosophies and practices throughout the world, ranging from the kind of freedom espoused by the United States to the complete control exercised by the countries in the Soviet orbit.

particularly the United Nations Educational, Scientific and Cultural Organization. The United States is of the opinion that some of the obstacles to the fuller enjoyment of freedom of information can be surmounted at this time through programmes of practical action by Member States and through the types of international actions suggested by the seventh session of the General Assembly.¹⁰

This Government takes particular note of the specific suggestions contained in this most recent General Assembly action designed to advance freedom of information. The hope is expressed that ways and means may be found through a device similar to the United Nations social welfare advisory service programme to increase the exchange of persons in the mass-media field.

It is hoped that even within its current budgetary limitations, UNESCO will find it possible to include increasing numbers of mass-media personnel in its exchange programmes and arrange to conduct seminars in the under-developed countries.

This Government believes that private enterprise and non-governmental organizations should be requested to assist, not only in the development of codes of ethics and in the exchange of persons, but also in helping under-developed countries expand the use of radio and develop news services.

The United States believes that despite the current obstacles impeding the rapid advancement of freedom of information, much can be accomplished through practical actions.

DOCUMENT E/2427/Add.1

[Original text: English]
[9 June 1953]

FEDERAL REPUBLIC OF GERMANY

The Government of the Federal Republic of Germany has passed this request (for material which might be of use to the Rapporteur on Freedom of Information) to several organizations which take a particular interest in this subject, inviting them to submit their comments thereon, and has instructed the Permanent Observer to transmit herewith as material for the work of the Rapporteur a memorandum of the Deutsche Presseagentur at Hamburg, without identifying itself with all of the views laid down therein.

The Federal Government follows with great attention the work of the United Nations for the promotion of freedom of information, and it has taken note with

interest of the various resolutions passed by the General Assembly of the United Nations at its seventh session regarding this question. The Office of Press and Information of the Federal Republic of Germany has published in the issue of March 14, 1953, of its *Informationsdienst* a German translation of these resolutions, and has sent it to the circles interested in this work. A copy of this publication is attached. The Directorate of the *Bundespressekonferenz* at its meeting of April 1, 1953, has expressed its views on these resolutions in a statement of which a copy is likewise attached.

The Government of the Federal Republic of Germany would welcome it if the United Nations could continue to inform it on the work for the promotion of freedom of information.

ANNEX I

The memorandum of the Deutsche Presseagentur referred to in the above reply reads as follows [translated from German]:

I. Background

The question how to ensure and promote freedom of information has been occupying the United Nations since the beginning of its activity. Among the basic purposes of international co-operation are the improvement of international relations in all non-political fields and the promotion of respect for human rights and fundamental freedoms. One of these rights and freedoms is the right to free expression of opinion. It is part of United Nations doctrine that peaceful relations among nations are promoted by giving every people the opportunity to learn the truth about other peoples.

In January 1946, the Philippines delegation proposed in the Preparatory Commission of the United Nations that an international conference on freedom of the press throughout the world should be convened. Since then, the problem has been considered over and over again in a conference on freedom of information and at meetings of the United Nations General Assembly, the Third Committee of the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Freedom of Information

and the Press. It has not yet been possible to make a binding settlement.

There are different reasons for this. The interpretation of what constitutes freedom of the Press varies so much from country to country that international agreement seems almost impossible. On 1 September 1951 the United States representative said in the Economic and Social Council that the freedom of the Press would not be limited without being lost.

This view, repeatedly expressed by the United States in debates on freedom of the Press, was opposed by the representatives of small States on the ground that they must be permitted to restrict freedom of information because, unlike the United States, they did not have efficient Press services. They claimed that their interests were not correctly judged and reported in the foreign Press.

Another difficulty arose from the fact that the representatives of the Eastern States recognized freedom of the Press only within the framework of a rigid ideology, whereas the Western States took a position of which the remarks of Mr. Ernest Davies, the United Kingdom representative at the Conference on Freedom of Information, in April 1948, may be regarded as typical; he took the view that truth, progress, the eradication of fascism and all the other things mentioned by the USSR representative would grow out of the freedom of the Press if it was restricted only to the extent necessary to maintain the public peace, and that the Press should not be told what to report or organize with a view to the attainment of a particular goal.

¹⁰ General Assembly resolution 633 (VII) of 16 December 1952 (*Information facilities in under-developed regions of the world*).

II. Freedom of information

1. No State should forbid or hamper the free establishment of newspapers, information organs or news agencies in its territory or permit its administrative bodies to forbid or hamper such establishment by means of special ordinances.

2. The State should have the right to make exceptions to this rule as regards foreigners and foreign capital.

3. It should be declared unlawful to ban newspapers and other information organs by administrative ordinance; for this purpose a court decision, rendered in accordance with the law, should be required.

4. The State should recognize the principle that all news reports may be published freely.

5. The State should guarantee freedom of information with respect to government departments.

6. The State should authorize its nationals, and the nationals of other States who are legally resident in its territory, to collect, receive, prepare and disseminate news material.

7. The State should not make the use of sources of information within its territory, whether by its own nationals or by aliens, contingent upon nationality, political views, religious belief or racial characteristics.

8. There should be no limitation of the freedom of the Press beyond the limits applicable under the general law. The State should pledge itself not to censor news or comments. Any limitations of the general freedom of information should be expressly provided for by statute.

9. The limitations referred to in paragraph 8 relate to:

- (a) Protection of national security;
- (b) Publication of matter inciting to high treason or to disturbance of the public peace;
- (c) Publication of matter inciting to crime;
- (d) Publication of matter prejudicial to the impartial conduct of court proceedings;
- (e) Publication of matter prejudicial to literary or other authors' rights;
- (f) Publication of matter of an offensive nature;
- (g) Publication of confidential information obtained in the course of statutory duties or as a result of a professional, contractual or other legal relationship.

III. International collection and transmission of news

1. The State should not make the exercise of the journalistic profession dependent upon nationality, race, or membership of a party, religious group or professional association.

2. The State should pledge itself to accord complete freedom of movement to journalists in the exercise of their profession, and to expedite, in accordance with a procedure to be agreed upon, rather than to delay, the administrative formalities required for admission into, residence in or transit through the country. These include:

- (a) Prompt grant of visas, with priority;

(b) Exemption from customs duties for equipment necessary for professional work;

(c) Reduction or remission of fares on State-owned means of transportation;

(d) Preferential treatment in the application of currency regulations;

(e) Preferential treatment in affording access to telephonic, teletype and telegraphic means of communication;

(f) Preferential treatment in granting driving licences.

3. The State ought not to expel any journalist by reason of his activity in collecting and transmitting news material. The expulsion of journalists should be governed by existing and generally applicable laws.

4. In the case of foreign correspondents, the State should not exercise prior censorship or require subsequent submission of the material transmitted by the correspondent to his newspaper or agency.

5. The State should pledge itself to treat news material sent by foreign agencies into its territory in the same way as the news material of national agencies or newspapers.

6. The State should recognize the right of another State to rectify any report which that other State claims to be false and discriminatory. This correction should take the form of a *communiqué* without comment or expression of opinion and should relate to the news report described as false. This does not give the State a right to exert influence on a newspaper or agency within its jurisdiction. The State would undertake only to transmit such a *communiqué* to the news agencies and newspapers situated in its territory.

7. The State should pledge itself not to ban the importation of foreign news reports or newspaper material, this provision not to cover the cases covered by section II, paragraph 9.

IV. International institutions

1. All States which are parties to a convention on freedom of information and the exchange of news should agree to bring to the notice of an international organization the regulations which in their territories govern the subject-matter of the convention and, in case of alleged deviations from the generally accepted principles, to furnish the reasons for their interpretation.

2. The international organization to be set up in accordance with paragraph 1 would be entitled to establish a procedure for the issuance of credentials to journalists working abroad (correspondents). Credentials issued by this organization would be *a priori* evidence of the holder's status as the correspondent of a State party to the convention and would entitle him to all the rights normally enjoyed in that country by national journalists. At the same time, the provisions laid down in the convention on freedom of information and the exchange of news would apply to all journalists, including those not holding such credentials.

3. The States should agree to enter into negotiations concerning a reduction of charges for the transmission of news.

ANNEX II

The statement by the Directorate of the Bundespressekonferenz¹¹ referred to in the above reply reads as follows [translated from German]:

The Executive Committee of the Federal Press Conference

¹¹ Statement made by the Executive Committee of the Conference at Bonn on 1 April 1953 concerning the seven resolutions on freedom of information and opinion adopted by the General Assembly of the United Nations at its 403rd plenary meeting on 16 December 1952.

(Bundespressekonferenz) is pleased to note that the questions relating to freedom of information are to be dealt with at the sixteenth session of the Economic and Social Council. It approves of and supports the general trend of the seven resolutions on this subject, the object of which is to promote the free flow of news and so to help in giving the peoples comprehensive and reliable information. In particular, the Executive Committee regards the preparation of a convention on the right of correction as a valuable means of improving mutual understanding. However, it considers the

time limits of five and ten days prescribed respectively in article III, paragraph 1, and in article IV, paragraph 2, to be too long and suggests that consideration should be given to the possibility of reducing them. General journalistic experience has shown that, save in exceptional cases, in these fast-moving times the value of a correction of a news

report of international interest varies in direct proportion to the promptness with which it follows the original report.

Apart from this question, the Executive Committee of the Conference did not consider that the drafts called for any further specific comments. It expresses its good wishes for the success of the work in favour of freedom of information.

DOCUMENT E/2427/Add.2

[Original text: English]
[30 July 1953]

JAPAN

By a note dated 20 July 1953 the Minister of Foreign Affairs of Japan transmitted the following views of the Japanese Government on freedom of information:

Item 1. With regard to "The views and opinions of His Excellency's Government as to contemporary problems and developments which have tended to promote or hamper the free flow of information within countries and across national frontiers."

I. Freedom of information exists in Japan most extensively, both in law and in practice, as stated in item 3 of this report. The Japanese Government is determined to respect it to the greatest possible extent, in accordance with the spirit of the United Nations Charter, as one of the fundamental human rights provided for therein. The Japanese Government, therefore, desires to maintain the present legislation and practices which guarantee this freedom to such an extent, and hopes, on its part, that there will not arise an international situation in which it may be constrained to take some measures to restrict such freedom.

II. Nothing is farther from the intention of the Japanese Government than the reports recently circulated that it would establish a special official information agency which is different from those usually existing in democratic countries and which would systematically control public opinion.

Item 2. With regard to "Any suggestions which His Excellency's Government may wish to make in order to improve existing conditions in this field and enhance freedom of information throughout the world."

I. The United Nations intends to secure freedom of information in each country by concluding a convention. The Japanese Government considers it the most practicable and effective way and supports it.

II. In order to safeguard the parties to the convention on freedom of information from harms which may be caused by the circulation of information originating in countries where freedom of information does not exist, it is suggested that the convention should contain provisions to the following effect: "The contracting parties may jointly pronounce any State, whether a contracting party or not, that systematically restricts the freedom of information provided for in this Convention, as a 'State without freedom of information'."

Item 3. With regard to "Any other relevant material which might be useful in the preparation of the report, including suggestions as to its contents and factual data concerning actual conditions."

Freedom of information in Japan, which is most extensive, will be described from two different points of view, namely, (I) legislation concerning freedom of information and (II) actual conditions of freedom of information.

I. LEGISLATION CONCERNING FREEDOM OF INFORMATION

1. The Constitution of Japan

The Constitution of Japan, promulgated on 3 November 1946 and put in force on 3 May 1947, provides for various fundamental human rights in chapter III, "Rights and Duties of the People", in which article 21 provides as follows:

"Article 21. Freedom of assembly and association as well as speech, Press and all other forms of expression are guaranteed.

"No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 82, in chapter VI, "Judiciary", provides as follows:

"Article 82. Trials shall be conducted and judgment declared publicly.

"Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offences, offences involving the Press or cases wherein the rights of the people as guaranteed in chapter III of this Constitution are in question shall always be conducted publicly.

2. Various laws and orders

(1) The principal provision of paragraph 1 of article 148 of the Public Offices Election Law may be quoted as an example of the laws guaranteeing freedom of information in specific cases. It provides, "Provisions of this Law concerning the restriction of the election campaign do not interfere with the freedom of newspapers (including similar communications) and magazines in publishing news and comment concerning the election." Also the Penal Code, the Mail Law, the Telegraph Law, the Wireless Law and the Radio Law protect freedom of information, by providing penalties for those who have without valid reason opened, damaged, concealed, abandoned, or delivered to persons who are not the addressees, mail matters and telegrams, or who have violated the secrecy of correspondence.

(2) There is no law or order, except the undermentioned two laws, that restricts information activities. There are indeed certain laws which restrict freedom of information in connexion with distribution, etc. of obscene books and papers, libel, slander, and violation of copyright. But they do not require special explanation, since they conform to the items of article 2 of the draft convention on freedom of information drawn up at the meeting at New York from 15 January to 7 February 1951 of the Fifteen States Committee, established under the General Assembly's resolution 426 (V) of December 14, 1950.

- (i) "Law for Special Measures concerning Criminal Cases to Implement the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America"

This law was promulgated and put in force on 7 May 1952. It sets forth in articles 6, 7 and 8 penal provisions for any person who detects or collects security information of the United States land, air and sea forces disposed in and about Japan under Article 1 of the Security Treaty between Japan and the United States of America when they are in the territory of Japan, for the purpose of using such information in such manner as may harm the security of such forces, or by wrongful methods, any person who discloses to another person security information of such forces which cannot be detected or collected ordinarily except by wrongful methods, or any person who attempts or plots, or instigates or agitates another person, to commit such acts.

The restrictions on information activities under these provisions mean the restrictions on the abuse of freedom referred to in article 12 of the Constitution of Japan,¹² and come under items (a) and (c) of article 2 of the above-mentioned draft convention on freedom of information.

- (ii) "Subversive Activities Prevention Law"

This law was promulgated and put in force on 21 July 1952. It defined the under-mentioned acts as terroristic subversive activities, and provides for measures to control organizations which have done such acts, and for penalties for persons who have done the same:

(a) To print, distribute, or post openly any document or drawing advocating the justice or necessity of the carrying out of those acts which are provided for in articles 77, 81 and 82 of the Penal Code¹³ for the purpose of causing those acts to be carried out;

(b) To communicate by wireless broadcast advocating the justice or necessity of the carrying out of the above-mentioned acts, for the purpose of causing those acts to be carried out;

(c) To instigate any one of the above-mentioned acts, for the purpose of causing it to be carried out.

These provisions constitute restriction upon the abuse of freedoms, as in the case of the Law for Special

¹² Article 12. (Responsibility for maintaining freedoms and rights, and prohibitions of the abuse thereof).

The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavour of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

¹³ Article 77 (Civil War)

(1) Every person who has committed an insurrectionary or seditious act with intent to overthrow the Government, seize the territory of the States, or otherwise subvert the national constitution shall be guilty of the crimes of civil war and punished subject to the following distinctions:

(i) The ringleaders, with death or imprisonment for life.

(ii) Those who have participated in the plot or held a command in the mob, with imprisonment for life or not less than one year nor more than ten years.

(iii) Followers and those who have merely joined in the insurrectionary or seditious act, with imprisonment for not more than three years.

(2) An attempt of the crime of the preceding paragraph shall be punished, except in the case of persons mentioned in (iii) of the preceding paragraph.

Article 81 (Inducement of external war)

Every person who conspired with any foreign State and thereby caused the said State to use force of arms against the State of Japan shall be condemned to death.

Article 82 (Aid to external war)

Every person who, when a foreign State used force of arms against the State of Japan, has entered into the military service of the said State aiding with it or has benefited it militarily shall be condemned to death or punished with penal servitude for life or not less than two years.

Measures concerning Criminal Cases referred to in (i) above, and are in conformity with items (b) and (c) in article 2 of the above-mentioned draft convention on freedom of information.

- (iii) "Radio Law"

Article 107 of the Radio Law provides as follows:

"A person who has, by means of radio equipment or communication equipment mentioned in Article 100, paragraph 1, item (1) (a telegraph, telephone, other communication equipment operated on frequencies not less than 10 kc/s in its wire circuits), conducted communication of matters advocating the destruction by violence of the Constitution of Japan or the government established thereunder shall be sentenced to penal servitude or imprisonment with hard labour for a period not exceeding five years."

These provisions also constitute restriction upon the abuse of freedom, as in the cases referred to in (i) and (ii) above, and are in conformity with item (b) of article 2 of the above-mentioned draft convention on freedom of information.

II. PRACTICES OF FREEDOM OF INFORMATION

The above-mentioned provisions are being faithfully applied and there has never been a case in which the Government violated freedom of information. The only cases that involved freedom of information are (A) and (B) below, while (C), (D), (E) and (F) below indicate the protection of freedom of information.

- (A) The case of refusal of testimony by a newspaperman

A newspaperman was summoned by court in May 1950 as a witness to testify the source of a news story he has written. He refused it, was charged with refusal of testimony, and was sentenced to a fine. He objected to it, and filed an appeal. The Supreme Court, on August 6, 1952, dismissed it and the sentence became final and irrevocable.

Some newspapers argued that it was the highest ethics of newspapermen not to disclose news sources, that it was a violation of freedom of expression guaranteed by the Constitution to force them to testify news sources, and that constitutional guarantee was absolute and impossible of restriction even by law. In dismissing the appeal, the Supreme Court pronounced the following opinion: (1) The guarantee under article 21, paragraph 1, of the Constitution means that any person should be enabled to express whatever he wants, so long as it is not contrary to the public welfare; the guarantee should not be construed as guaranteeing the right to refuse testimony on the news resources, which will be utilized for determining what he wants to say, while it has not been decided as yet. (2) The provisions of the Constitution equally guarantee to the people freedom of expression, but do not accord special guarantee to newspapermen. Whether a special guarantee or right should be accorded to a certain class of people on account of their special task or status should be determined by law, and is not a matter of the Constitution. The duty of testimony, provided for by the Code of Criminal Procedure, is one of the most important duties of the people, and it is only in those cases which are specified by law that the right to refuse testimony is recognized.

- (B) Cases of obstruction to newspapermen's access to news sources

There were cases after the war in which certain groups of radical elements obstructed newspapermen's access to news sources. During the demonstration following the mass meeting against the "oppressive laws" held under the auspices of the General Council of Japanese Labour

Unions at Kyoto on March 24, 1952, and the demonstration staged by some extremist groups in Tokyo on May 1 of the same year, newspapermen covering the events were assaulted and prevented from collecting news.

These illegal acts were deplorable, especially from the point of view of freedom of information, and the Government took necessary measures against such acts, in accordance with the relevant laws and orders.

(C) *Advantages granted to newspapers in consideration of their public character*

(1) Tax exemptions :

- (a) Exemption of daily newspapers from enterprise tax.
- (b) Exemption of sensitive materials used by newspapers from commodity tax.
- (c) Exemption of newsprint rolls from commodity tax.
- (d) Exemption of one-shot cameras used by newspapers from commodity tax.

(2) Other advantages :

- (a) Advantage in the depreciation of printing machines.

The Special Taxation Measures Law, for capital accumulation of newspaper companies, recognizes the exceptional reduction of the term of depreciation in regard to the superspeed multi-color anastatic rotary press machines and the accessory type-rounding equipment of daily newspapers.

- (b) Advantage of restriction of transfer of shares.

The shares of limited companies may generally be transferred to any person, but the "Law concerning Restriction, etc. of Transfer of Shares of 'Kabushiki-Kaisha' (joint stock company) and 'Yugen-Kaisha' (limited joint stock company) whose Object is to issue

Daily Newspapers" provides that a daily newspaper company may restrict the transfer of its shares to those persons who are related with its enterprise and who are approved by the board of directors thereof, thus preventing the right of management of a newspaper company from being transferred to persons who are not approved by the board of directors thereof.

(D) *Number and circulation of newspapers*

There are more than 2,000 publications known as newspapers in Japan. With regard to commercial daily newspapers, as of March 1, 1953, there were 112 morning papers and 75 evening papers, their circulation being 31,500,000. Of these, there are four English newspapers, with a total circulation of more than 200,000.

(E) *Activities of foreign news agencies and newspapers in Japan*

The foreign correspondents in Japan once numbered 270 after the breakout of the Korean War, but decreased to 127 as of March 1, 1953. There were, as of the same date, 12 news agencies, 31 newspapers, 5 radio companies, 2 television companies, 12 newsphoto companies and 9 magazine companies which had their branches or correspondents in Japan. Their activities are as free as Japanese newspapermen.

(F) *Number of radio stations and listeners*

The Japan Broadcasting Corporation had 83 stations and the commercial broadcasting companies 19, and the number of radio listeners (who pay the fees) was 13,666,238, as of March 1, 1953. As of the same date, there was one television station, which was owned by the Japan Broadcasting Corporation, with about 1,100 receivers.

DOCUMENT E/2583

Report of the Social Committee

[Original text : English]
[28 April 1954]

1. The Social Committee, under the chairmanship of the Second Vice-President of the Council, Mr. Jiri Nosek (Czechoslovakia), considered at its 261st to 268th meetings (E/AC.7/SR.261 to 268) held on 14, 15, 19 and 20 April 1954, item 12 (a) of the agenda of the Council referred to it by the Council at its 774th meeting (E/SR.774) held on 13 April 1954, with the exception of chapter V, section M, together with draft resolution No. 6 contained in chapter VI of the report (E/2426).

2. The Committee had before it the following documents : E/2426, E/2426/Add.1, 2, 3 and 4, E/2427 and Add.1 and 2, E/2439 and Add.1, E/2535, E/L.587 and Corr.1, 2 and 3, E/AC.7/L.193 and Add.1, E/AC.7/L.194, E/AC.7/L.195, E/AC.7/L.196, E/AC.7/L.197, E/AC.7/L.198, E/AC.7/L.199, E/AC.7/L.200 and Add.1, E/AC.7/L.201, E/AC.7/L.202, E/AC.7/L.203, E/AC.7/L.204 and E/AC.7/L.205.

3. The Committee had before it the recommendations of the Rapporteur on Freedom of Information in the form of draft resolutions (E/2426, chapter VI and documents E/AC.7/L.193 and Add.1). In this connexion, it decided to base its work on the draft resolutions submitted by France (E/L.587), with the exception of draft resolution

VIII, concerning the production and distribution of newsprint, which had been referred to the Economic Committee by the Council.

4. The Committee decided by 13 votes in favour, 4 against, with 1 abstention, to take no action on draft resolution II (E/L.587).

5. The Committee took no action on draft resolution XI (E/L.587) since it was felt that the matter lay entirely within the competence of the Universal Postal Union and that no recommendation to that agency was appropriate at that time.

6. In the discussion of draft resolution D below, mention was made of the desirability of UNESCO preparing a convention concerning the international protection of performers' rights.

7. In the discussion of draft resolution E below, reference to UNESCO in the last paragraph was deleted since the Committee was assured by the representative of ILO that its co-operation with UNESCO on the matter would continue.

8. The Committee voted on the attached draft resolutions as follows:

Resolutions	For	Against	Abstentions
A	15	2	1
B	17	—	1
C	14	—	4
D	15	—	3
E	16	—	2
F	unanimously		
G	unanimously		
H	unanimously		
I	14	—	4
J. I	15	—	2
J. II	13	1	3

9. The Committee recommends the following draft resolutions for adoption by the Council:

Draft resolutions

A

REPORTS AND STUDIES ON FREEDOM OF INFORMATION

The Economic and Social Council,

Taking note with appreciation of the report on freedom of information submitted by the Rapporteur, Mr. Salvador P. López, who was appointed in his personal capacity at the fourteenth session of the Council for an experimental period of one year,

1. Requests the Secretary-General, in conjunction with the specialized agencies concerned, particularly the United Nations Educational, Scientific and Cultural Organization and the International Telecommunication Union, and in consultation with professional associations and information enterprises, to prepare for submission to the Council at its twentieth session:

(a) A concrete programme of action to promote among news personnel everywhere a wider knowledge of the work of the United Nations, of foreign countries and of international affairs, with a view to promoting friendly relations among nations based on the purposes and principles of the Charter;

(b) A world-wide survey of current internal censorship principles and practices and of current principles and practices involved in the censorship of outgoing news dispatches;

(c) A study of the legal aspects of the rights and responsibilities of the media of information;

(d) A study of the problem of the protection of sources of information and news personnel, taking into account the preliminary report already prepared by the Secretary-General on the subject (E/CN.4/Sub.1/146);

(e) A study of public and private information monopolies and their effects on freedom of information;

2. Requests Member States to collaborate with the Secretary-General and the specialized agencies concerned.

B

TRANSMISSION OF OUTGOING NEWS DISPATCHES

The Economic and Social Council,

Taking note of the recommendation adopted at the Plenipotentiary Conference of the International Telecommunication Union, Buenos Aires, 1952, recommending

Members and Associate Members of the Union to facilitate the unrestricted transmission of news by telecommunication services,

Invites the International Telecommunication Union to report to the Council at its nineteenth session on action taken by Governments in response to the above-mentioned recommendation.

C

STATUS AND MOVEMENT OF FOREIGN CORRESPONDENTS

The Economic and Social Council

Requests the Secretary-General to transmit to Member and non-Member States the following two studies: "Study of the Law and Practice Governing the Status and Work of Foreign News Personnel and Measures to Facilitate the Work of such Personnel" (E/CN.4/Sub.1/140) and "Study Relating to the Definition and Identification of Foreign Correspondents" (E/CN.4/Sub.1/148); and to request them to study the possibility of implementing the administrative measures contemplated in these studies with a view to facilitating the professional activities of foreign correspondents.

D

COPYRIGHT

The Economic and Social Council,

Taking note of the complex problems arising from the lack of uniform copyright agreements, and the effect of this on the dissemination of information through the Press, radio, television and films,

Recommends to governments that they adhere to the Universal Copyright Convention;

Takes note of the efforts being undertaken on the international level to solve the problems of performers' rights and draws the attention of governments to the importance of the protection of these rights to ensure freedom of information and the interest attached to international action in this field; and

Invites the United Nations Educational, Scientific and Cultural Organization to initiate a study of copyright in respect of news and information media and to formulate recommendations thereon.

E

INDEPENDENCE OF INFORMATION PERSONNEL

The Economic and Social Council,

Taking note of the work currently being done by the International Labour Organisation through its Advisory Committee on Salaried Employees and Professional Workers in collecting current information and complete documentation on problems relating to the economic independence of information personnel,

Considering that the economic security of such personnel may have an important bearing on their ability to withstand pressures, whether direct or indirect, which would be prejudicial to the proper exercise of their profession,

Invites the International Labour Organisation to give full consideration to this factor in the course of its current studies, taking into account the views and suggestions of professional organizations, more particularly professional organizations of employers and workers.

F

PROFESSIONAL TRAINING

The Economic and Social Council,

Recognizing the desirability of intensifying international action to assist in the professional training of information personnel,

Noting with satisfaction the efforts of various governments in establishing bilateral programmes for the exchange of persons, including information personnel, as well as similar efforts on the part of private institutions,

1. Urges governments, particularly those with highly developed mass communications, to co-operate to the fullest possible extent in offering facilities for foreign information personnel and students of journalism, including the granting of visas and currency facilities ;

2. Recommends to the United Nations Educational, Scientific and Cultural Organization to consider the possibility of increasing the scope of its mass communication fellowship programme ;

3. Requests the Secretary-General, in view of the importance of adequate information as a factor of economic development, to explore, in co-operation with the appropriate specialized agencies, the possibility of providing an increasing number of scholarships and fellowships for information personnel under the regular and expanded programmes of technical assistance ;

4. Requests the Secretary-General to communicate this resolution to governments.

G

PRESS RATES AND PRIORITIES

The Economic and Social Council,

Recognizing that the transmission of Press messages on telecommunication channels at lower rates and with increased priority would facilitate the free flow of information between countries,

1. Requests the International Telecommunication Union and the United Nations Educational, Scientific and Cultural Organization to prepare for the Council at its nineteenth session a joint study of the problems of transmitting Press messages including that of disparities and anomalies in Press rates, with the object of formulating and helping promote remedial measures which might be submitted for consideration at the next International Telephone and Telegraph Conference ;

2. Invites governments meanwhile to study the question.

H

INTERNATIONAL BROADCASTING

The Economic and Social Council,

Noting the increasing complexity of the problems arising from the lack of agreement on the utilization of radio frequencies, and that continuation of this situation is likely to affect the flow of information by broadcasting,

1. Affirms the vital need for such international agreement and urges governments to make every effort to reach an agreement on the distribution of frequencies on an equitable basis, giving adequate attention in the preparation of such an agreement to the desirability of increasing the flow of objective news and information through international broadcasting ;

2. Requests the International Telecommunication Union to consider, with the assistance of countries members of the Union, the possibility of developing new techniques leading to economy in the use of frequencies and to the elimination of wasteful competition and duplication ; and

3. Requests the Secretary-General to bring this resolution to the attention of all governments.

I

TARIFF AND TRADE PRACTICES

The Economic and Social Council,

Taking note of the importance of the United Nations Educational, Scientific and Cultural Organization's efforts to remove tariff and trade obstacles which affect the free flow of information between countries,

1. Recommends to governments which have not yet done so to adhere to the UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials ;

2. Recommends to the United Nations Educational, Scientific and Cultural Organization to consult, when the time is opportune, with the States Parties to this Agreement on their views as to the desirability of extending it to provide further dispensations in the allocation of foreign exchange for the purchase of educational, scientific and cultural materials.

3. Requests the Secretary-General to communicate the text of this resolution to the Governments referred to in article IX of the above-mentioned Agreement.

J

TECHNICAL ASSISTANCE IN FREEDOM OF INFORMATION

I

The Economic and Social Council,

Noting the constructive nature and extent of the technical assistance programmes administered by the United Nations and the various specialized agencies,

Recommends to the appropriate specialized agencies and the United Nations Technical Assistance Administration that they give due consideration, under their regular programmes and under the Expanded Programme of Technical Assistance, to the requests which governments may submit for aid, within the scope and objectives of existing programmes, which would be useful in promoting freedom of information.

II

The Economic and Social Council,

Bearing in mind that, under Article 66 of the Charter of the United Nations, the Council "may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies",

Believing that the fields in which the Secretary-General is at present authorized to render assistance for the purpose of freedom of information may appropriately be broadened,

Decides that, subject to the approval of the General Assembly, the Secretary-General shall be authorized to render, at the request of Member States, services which do not fall within the scope and objectives of existing technical assistance programmes, in order to assist these States in promoting freedom of information.

France : draft resolutions

[Original text : French]
[7 April 1954]

I

The Economic and Social Council,

(See draft resolution No. 12)*

Taking note of the recommendations contained in the report on Freedom of Information submitted by the Rapporteur, Mr. Salvador P. López, who was appointed in his personal capacity at the fourteenth session of the Council for an experimental period of one year,

(See draft resolution No. 12, para. 1)

1. *Decides* to appoint a Rapporteur on Freedom of Information in a personal capacity, whose reports shall be distributed at the nineteenth session of the Council for discussion at the twentieth session;

2. *Requests* him to prepare, in conjunction with the Secretary-General and the specialized agencies concerned, particularly UNESCO and ITU, and in consultation with information enterprises and national and international professional associations for submission to the Council at its twentieth session:

(See draft resolution No. 12, para. 3)

(a) A concrete programme of action to enlist the co-operation of the Press, radio and films throughout the world in the cause of promoting friendly relations among nations based on the purposes and principles of the Charter;

(See draft resolution No. 12, para. 4 (c))

(b) A study of the problem of bringing into harmony articles 29 and 30 of the International Telecommunication Convention with the articles of the United Nations conventions on freedom of information aimed at facilitating the international transmission of news;

(See draft resolution No. 12, para. 6 (a))

(c) A study of the legal aspects of the rights and responsibilities of the media of information within the framework of the report;

(See draft resolution No. 12, para. 7)

(d) A study of the problem of the protection of sources of information and news personnel, taking into account the preliminary report already prepared by the Secretary-General on this subject (E/CN.4/Sub.1/146);

(See report, chapter V, section G)

(e) A study of the problem of monopolies and particularly of the trend towards economic and financial concentration in information enterprises and of their effects on the freedom of information.

II

(Use of broadcasting to promote peace)

The Economic and Social Council,

(See draft resolution No. 2)

Mindful of the positive contribution which the International Convention concerning the Use of Broadcasting in the Cause of Peace (Geneva, 1936) could make at the present time in promoting better relations between peoples and in preventing broadcasting from being used in a manner prejudicial to good international understanding,

Requests the Secretary-General to study the changes which might be made in this Convention to adapt it to present circumstances and to submit this study to the Council at the earliest opportunity.

III

(Censorship of outgoing news despatches)

The Economic and Social Council,

(See draft resolution No. 3)

Recalling resolution No. 12 adopted by the Geneva Conference on the Freedom of Information,

Taking note of the recommendation adopted at the Plenipotentiary Conference of the International Telecommunication Union, Buenos Aires, 1952, recommending Members and Associate Members of the Union to facilitate the unrestricted transmission of news by telecommunication services,

1. *Requests* the Secretary-General, in conjunction with the ITU and UNESCO, to report to the Council at its twentieth session on action taken by governments in response to the above-mentioned resolution and recommendation,

2. *Further requests* the Secretary-General to prepare a draft international convention on the basis of the aforesaid resolution, to transmit it to governments with a view to obtaining their observations and to report thereon to the Council.

IV

(Status and movement of foreign correspondents)

The Economic and Social Council

(See draft resolution No. 12, para. 5)

Requests the Secretary-General to draw the attention of governments to the following two studies: "Study of the Law and Practice Governing the Status and Work of Foreign News Personnel and Measures to Facilitate the Work of such Personnel" (E/CN.4/Sub.1/140) and "Study Relating to the Definition and Identification of Foreign Correspondents" (E/CN.4/Sub.1/148); and to inform them of the Council's desire that effect should be given to the measures specified in this study with a view to facilitating the professional activities of foreign correspondents.

V

(Copyright)

The Economic and Social Council,

(Draft resolution No. 11)

Taking note of the complex problems arising from the lack of uniform copyright agreements, and the effect of this on the dissemination of information through the Press, radio, television and films,

Recommends to governments that they adhere to the Universal Copyright Convention;

Requests UNESCO to make a study of copyright problems specifically affecting information media with a view to the possible eventual broadening of the Universal Copyright Convention to this end;

Invites UNESCO and ILO to initiate a study of related rights and particularly of performers' rights with a view to the possible preparation of an international convention; and

Invites UNESCO to initiate a study of copyright in respect of news, with a view to the possible preparation of a convention to ensure the equitable protection of news.

¹⁴ Corrigendum 3 cancels corrigendum 2.

* Marginal references relate to the report of the Rapporteur on Freedom of Information (E/2426).

VI

Draft resolution No. 4

(Independence of information personnel)

*The Economic and Social Council,**(See draft resolution No. 4)*

Taking note of the work currently being done by the International Labour Organisation in collecting current information and completing documentation of problems relating to the economic independence of information personnel,

Considering that an important factor in such independence is the ability of information personnel to withstand direct or indirect pressures, whether from employers or from outside sources, and that legislation particularly in respect to termination of employment and payment of indemnity in case of dismissal, would further safeguard the economic security of such personnel,

1. *Recommends to the ILO that its current studies include full consideration of these factors, taking into account the views and suggestions of professional organizations, particularly those with trade-union experience; and*

2. *Requests the Secretary-General to co-operate with the ILO and UNESCO to this end.*

[To facilitate the procedure the French delegation submitted without amendment the following draft resolutions recommended by the Rapporteur on Freedom of Information.]

VII

(Professional training)

[For the text of the draft resolution see document E/2426, chap. VI, draft resolution No. 5.]

VIII

(The production and distribution of newsprint)

[For the text of the draft resolution see document E/2426, chap. VI, draft resolution No. 6.]

IX

(Press rates and priorities)

[For the text of the draft resolution see document E/2426, chap. VI, draft resolution No. 7.]

X

(International broadcasting)

[For the text of the draft resolution see document E/2426, chap. VI, draft resolution No. 8.]

XI

(Postal services)

[For the text of the draft resolution see document E/2426, chap. VI, draft resolution No. 9.]

XII

(Tariff and trade practices)

[For the text of the draft resolution see document E/2426, chap. VI, draft resolution No. 10.]

(b) Encouragement and development of independent domestic information enterprises

DOCUMENT E/2534

Report of the Secretary-General

[Original text: English]

[14 January 1954]

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Chapter I

INTRODUCTION

1. The present report is prepared in pursuance of Economic and Social Council resolution 442 E(XIV) of 13 June 1952 and of General Assembly resolution 633 (VII) of 16 December 1952.

2. The Council in resolution 442 E(XIV) invited the Secretary-General, in conjunction with the United Nations Educational, Scientific and Cultural Organization, to study ways and means of encouraging and developing independent information agencies.

3. In resolution 633 (VII) the General Assembly invited the Council to consider the desirability of expanding the area of its study and requested the Secretary-General to draw up a programme of concrete action which would include:

(a) Measures to reduce economic and financial obstacles in the field of information;

(b) Measures to organize and promote among countries the exchange of information personnel;

(c) Measures to assist the training of information personnel, the raising of professional and technical standards, the provision of fellowships and the holding of regional seminars;

(d) All necessary measures in connexion with the supply of newsprint.

4. The General Assembly further invited the Council "to recommend to the organizations participating in the technical assistance and other programmes providing aid or assistance at the request of Member States that they give sympathetic consideration to requests which governments may submit for such aid or assistance within the framework of those programmes with a view to improving information facilities and increasing the quantity and improving the quality of information available to the peoples of the world, as one means of implementing the right of freedom of information as enunciated in the provisions of Article 1, paragraph 3, and Article 55 of the Charter of the United Nations and in Article 19 of the Universal Declaration of Human Rights." In the same resolution the General Assembly also expressed its conviction that the development of information media contributed greatly to the economic and social progress of peoples, and that the time had arrived for the elabo-

ration of a concrete programme and plan of action in that respect.

5. Discussions in United Nations organs have repeatedly emphasized the importance of encouraging the development of information enterprises in under-developed countries.¹⁵

6. It is difficult to suggest uniform solutions for all of the problems involved in the establishment of domestic information enterprises. In different countries the practical problems may vary in nature and scope according to differences in their geographical characteristics, economic and social development, educational levels and political conditions. Nevertheless the present report attempts to indicate possible lines of action which may be adapted to each country in accordance with its own requirements.

7. The report deals successively with news agencies, the Press, radio and films, and contains comments relating to information enterprises in general, and to methods of technical assistance and the scope of existing technical assistance programmes. Finally, elements on the basis of which a programme of action might be formulated by the Council are set out in summary form. The report does not deal with television, which, in most countries, is still in the experimental stage.

8. The word "independent" has been used to characterize information enterprises. Various types of independence may be meant in the present context. A distinction may be made between independence from governmental influence and independence from commercial, political and other non-governmental influence; and a distinction may be made between national influence and foreign influence under the two above-mentioned forms. The present report assumes that the types of independence desired will not be constant for all countries or for all information enterprises.

9. The Secretary-General has prepared this report in conjunction with UNESCO, and wishes to place on record his appreciation of the assistance given by the Director-General of UNESCO, particularly in carrying out the necessary research and in elaborating possible UNESCO action in this field.

¹⁵ For a summary of such discussions see the Secretary-General's memorandum on "Technical assistance and national information enterprises" (E/CN.4/Sub.1/149).

NEWS AGENCIES

A. National news agencies

10. News agencies form a special category of information enterprises, in that they do not serve the public directly; their clients are the other information media, notably the Press and the radio. This fact is of importance since the possibility of setting up an independent news agency depends entirely on its having a sufficient clientele to make its operations viable.

11. It has been found that attempts to dispense with the sound financial backing provided by a sufficient number of clients belonging to the independent information media field (i.e., by subsidies or other methods of financing from governmental or other sources) may tend to discredit the agency's services in the eyes of a number of its potential clients.

12. Hence it may be said that attempts to create a news agency can be encouraged only if there already exist within the country sufficient potential clients willing to subscribe to its services.

13. It is recalled that resolution No. 20 adopted by the United Nations Conference on Freedom of Information¹⁶ recognizes that "in countries where national news agencies are not sufficiently developed provisional measures may appropriately be taken by Governments to encourage their development as independent news agencies". Apart from the possibility of granting direct financial aid to an agency in financial difficulties, a government might allow low rates for the transmission of news and grant exemption from certain taxes and dues. It might take out a number of subscriptions to the agency's service for the use of administrative departments.

14. If the agency were established on a co-operative basis by agreement between information enterprises, its independence of any possible pressure from political and economic interests might thereby be strengthened.

15. Since a balanced budget helps to guarantee independence, every agency should acquire a large number of independent subscribers. An agency could engage in other profitable commercial activities connected with its regular activities, such as the provision of a special information service (e.g., an economic, financial or sports service), a features service, a photographic service, special radio services, telephone information, and the like. Such activities, however, may not provide any considerable additional income.

16. A national agency may at times face competition from foreign agencies. On this question the United Nations Conference on Freedom of Information has expressed its opinion (in resolution No. 20) that "at no time should the development of foreign news agencies by unfair or abnormal means be allowed to prejudice the normal development of national agencies".

B. Dissemination abroad of domestic news

17. In general it may be said that, in discussions in the United Nations on the development of national news agencies, the representatives of under-developed countries have appeared to be principally interested in the dissemination abroad of domestic news.¹⁷ However, it has been found that it is difficult for an independent national agency

with limited means to disseminate directly its news abroad. The history of the development of the world news agencies shows that the first activity abroad of an independent news agency has always been the gathering of foreign news to improve its service to its domestic clients; only subsequently has it used its foreign bureaux to disseminate its domestic news abroad.

18. For the spreading abroad of domestic news the most spectacular means would be the establishment of a world agency. This however presents serious financial and organizational difficulties. Such a world agency, with its great costs of operation, would require revenue from a number of Press and radio enterprises such as very few countries possess. At present there are only six world agencies in existence: three United States, one Soviet, one United Kingdom and one French.

19. A domestic agency's possibilities of distributing its service abroad are limited to the following four procedures:

20. *The first is by the sale (or exchange with partial payment) of the service to one or more world agencies.* This is the method most commonly adopted, but for it to succeed the domestic agency's service must be recognized by the world agency as complete, rapid and of high quality, and the service must not cost more than the world agency would have to pay to gather the same news itself.

21. *The second is by sale to broadcasting systems.* If there are one or more broadcasting enterprises in a country providing foreign news services, they would naturally receive information from the domestic news agency.

22. *The third is by sale to foreign subscribers.* In foreign countries there may be Press organizations or enterprises, or national news agencies which wish to receive all or part of the domestic agency's service. There may also be clients interested in receiving a foreign agency's service because of ethnic, linguistic, cultural or commercial ties.

23. *The fourth is by participation in a regional agency.* A national news agency may participate in the establishment of a regional news agency.

C. Regional news agencies

24. The establishment of a regional news agency may afford an appropriate solution for countries in which no national agencies exist and it may possibly offer particular advantages to countries having the same languages and common economic, political and cultural interests.

25. The gathering of news within the region may entail increased expenditure owing to a need to establish screening and transmission centres in each country. On the other hand, the cost of foreign news would be less, because a regional agency's subscription to a world agency's service would cost less than the sum of the individual subscriptions taken out by domestic agencies. Monitoring and editing would also cost less.

26. To the extent that it was found advantageous to the world agencies to provide their service through local agencies rather than to operate directly, they might welcome the establishment of regional agencies. They would find in such an arrangement also the following advantages:

(a) They could receive the regional agency's service and thus obtain domestic news from several countries, already screened and pruned of all items not of general interest and therefore better adapted to their needs;

¹⁶ See *Final Act of the United Nations Conference on Freedom of Information* held at Geneva, Switzerland, from 23 March to 21 April, 1948 (E/Conf.6/79), annex C.

¹⁷ See document E/CN.4/Sub.1/149, paras. 31, 40 and 41.

(b) The agency, being regional, might enjoy greater independence.

D. International assistance and news agencies

27. Because of its special character, a news agency is the type of information enterprise which international assistance can benefit the least.

28. If a domestic news agency does not have sufficient domestic subscribers, consisting mainly of newspapers and radio organizations, any assistance may not be fully effective. Accordingly, if a government or a group of governments apply for assistance under the Expanded Programme of Technical Assistance in establishing a national or regional agency, it may be found advisable to make a survey on the spot to determine how far such an agency would meet a real need and whether the cost of its establishment and operation would be justified by the results it might be expected to achieve. The survey might also determine the legal and practical conditions necessary for the agency to exist and to be independent, and its *de jure* and *de facto* relationship to foreign agencies.

29. Such a survey might take the form of the dispatch to the area of a technically qualified person able to discuss the financial, commercial and political issues involved with the members of the government, the heads of the national information enterprises and the representatives of world news agencies.

30. Should the survey indicate that the establishment of an agency is desirable, international assistance may be considered to help in training journalists and technical personnel on the spot. A few months' training may be considered sufficient for both these categories. Some qualified foreign journalists might be attached to the domestic agency for a longer period in the initial stage of operation.

31. The granting of fellowships to a number of the agency's domestic correspondents, enabling them to train abroad, even for a limited period, in world agencies or large national agencies, would undoubtedly help to improve the operation of the news agency.

Chapter III

THE PRESS

A. Problems involved in the establishment and development of the Press

32. The high percentage of illiteracy prevailing in some countries, the multiplicity of languages spoken in some countries and the frequently limited purchasing power of the population are obstacles in the way of the establishment and development of the Press. Certain other problems, which have an even closer relationship to the establishment and development of the Press in under-developed countries, are treated below.

(1) The newsprint problem

33. The difficulty some countries are experiencing in obtaining sufficient newsprint at reasonable prices is one of the most serious problems. Many countries, and particularly the under-developed countries, are at present unable to obtain the foreign exchange needed to pay for their supplies. In a number of countries the circulation of newspapers is comparatively limited and the tonnage required extremely small; consequently the Press enterprises of those countries cannot deal directly

with the producers but are obliged to deal with middlemen, a procedure involving extra cost. It may be that the regional production of newsprint on a scale sufficient to meet regional needs would enable the countries concerned to overcome these difficulties.

34. At its sixth session (1951), the Annual Conference of FAO adopted a resolution (No. 26) providing for long-term international action, which is at present being carried into effect. The purpose of such action is to encourage regional production wherever it can be undertaken on a profitable basis. Until the action taken by FAO has borne fruit, it might be advisable to consider the organization of national or regional newsprint-purchasing co-operatives representing the consumers of the country or region concerned. This would not only permit joint action to obtain the foreign exchange needed for the purchase of newsprint, but would make it possible to obtain supplies at better prices by dealing directly with the manufacturers.

35. Measures which may be taken by individual governments include the following:

(a) Abolition of customs duties and import levies on newsprint;

(b) Abolition of fees levied on retail and wholesale sales of newsprint;

(c) Conclusion of trade and financial agreements with countries producing newsprint;

(d) Encouragement of the regional production of newsprint;

(e) Encouragement of the establishment of buying co-operatives to enable the purchase of newsprint in larger quantities, hence more cheaply;

(f) Provision of facilities for obtaining foreign exchange for buying newsprint.

(2) The equipment problem

36. The problem of equipment is of course all-important and it may be of interest to adopt some kind of standardization which would permit the use of uniform rolls and sizes for given countries or regions, and help the buying policies of national or regional co-operatives set up to purchase newsprint.

37. An inquiry might be made with a view to determining the type of simple, robust and economical plant most appropriate to the special needs of the under-developed countries.

38. In connexion with the problem of equipment, governments may consider:

(a) The abolition of customs duties and import levies on equipment and spare parts for printing shops;

(b) The granting of facilities for obtaining foreign exchange to buy equipment for printing shops.

39. The authorities may also consider running a printing shop as a "public service", undertaking printing for the independent publications issued in the country. This work would be carried out in accordance with a single tariff, perhaps at cost price. This method would not only enable existing publications to improve their make-up, but would also encourage the founding of new publications.

(3) Shortage of trained journalists

40. The recruitment and training of journalists is a difficult problem, particularly in a country which has previously had no Press. It should nevertheless be possible to recruit potential journalists who, if they wish to make rapid progress in the profession, will need the

help of experienced foreign journalists for some time. The functions of the latter will not merely be to train local journalists on the spot but also to help in launching the publication or publications it has been decided to establish. They could also study the possibilities of developing the Press in the country, help in organizing the collection of news, articles, photographs and illustrations, and study the fastest and most economical methods of distributing the publication or publications throughout the country with a view to reaching the largest possible number of readers.

41. The best trainee journalists recruited locally might be sent for training to countries where Press enterprises are more highly developed, and preferably where the problems of the Press bear some resemblance to those of the Press of their own country.

42. In some cases, consideration might be given to the institution of regional schools of journalism to meet the needs of a group of countries.

43. Governments may consider, in relation to the problem of training:

(a) Encouraging the professional training of journalists within the government's general educational programme;

(b) Establishing fellowships to enable journalists to be sent abroad.

(4) *Shortage of skilled technicians*

44. In the case of printers and printing technicians, the difficulties of recruitment and training may in some countries be as great as in the case of journalists. Here again, it would be desirable to provide for the presence of foreign technicians for a considerable period to supervise the operation of printing presses and the training of locally recruited personnel. Governments may consider establishing, or granting assistance to, schools for the professional training of printers, job pressmen and other technicians. Generally speaking, it might be useful also to consider the establishment or development of regional training schools for the various types of printing technicians.

B. *International assistance and the Press*

(1) *Newsprint*

45. Attention is drawn to the desirability of stimulating international programmes already in operation relating to newsprint. Shortage and distribution problems have been of long-standing concern to the United Nations. In 1948, the United Nations Conference on Freedom of Information recommended¹⁸ that the Economic and Social Council consider, in the light of inquiries carried out by the Council and UNESCO, practical measures to remedy the situation. Subsequently the UNESCO General Conference, at its sixth session, 1951, brought these problems again to the attention of the Council, and the Council adopted resolution 374 (XIII), which sought a co-operative effort on the part of governments, certain United Nations organs and specialized agencies and the producers and consumers of newsprint.

46. At its fourteenth session, the Council received a report from the Secretary-General (E/2241) on progress made, as of June 1952, relating to the production and distribution of newsprint and printing paper in pursuance of resolution 374 (XIII). On 22 July 1952 the Council adopted resolution 423 (XIV) requesting the Secretary-General, FAO, UNESCO and the International Bank for

Reconstruction and Development to continue the efforts in relation to the long-term action requested in resolution 374 (XIII), and requesting the Secretary-General to continue to assure the co-ordination of these efforts and to report to the Council in 1954, unless other developments justified the preparation of the report within a shorter period.

47. Three phases are envisaged in the programme of long-range action undertaken by FAO under the Expanded Programme of Technical Assistance to solve the problem of the world shortage and unequal distribution of newsprint:

(a) Inquiry in various countries into the possibilities of developing the paper and pulp industry;

(b) Advice on the installation of new factories; and

(c) Technical assistance in the construction of new factories. The first two phases appear to be already far advanced. It would perhaps be desirable, once they have been completed, that, in suitable cases and after consultation with FAO, adequate financial assistance be put at the disposal of such governments as request it from appropriate international bodies, so as to permit the third phase to be reached as soon as possible and the construction of new plants to be undertaken.

48. The Bank has made loans to aid the production of pulp and newsprint, among other wood products. The Bank has also organized survey missions, some in collaboration with the FAO, to make recommendations for long-term development programmes, several of which include proposals for development of wood products industries.

49. In addition, the Economic Commission for Latin America and the Economic Commission for Europe have continued, since the adoption of resolution 423 (XIV), to study the possibilities for the development of the pulp and paper industry in Latin America and Europe respectively, both operating in co-operation with FAO.

50. Relevant technical assistance activities are treated elsewhere. (See paragraphs 170 and 171 below.)

51. The Rapporteur on Freedom of Information has dealt with the production and distribution of newsprint in chapter V, section M, and in chapter VI, recommendation M, of his report to the Council (E/2426).

(2) *Equipment and skilled workers*

52. If its resources permit, UNESCO might ascertain the type and price of equipment that would be most suitable for printing various publications to be started in under-developed countries. The information gathered could then be published.

53. If a government printing shop is set up or a "public service" printing shop organized, UNESCO, at a government's request, might, under the Expanded Programme of Technical Assistance, send one or more experts to give advice on the equipment required for printing the proposed publication or publications, supervise their installation, oversee the start of the work, see that production capacity is used to the full and organize the parallel activities intended to pay off running costs. The same experts might also be given the work of organizing training courses for printers, job pressmen and so on, or of helping to improve teaching standards in existing technical schools.

(3) *Training of journalists and assistance to Press enterprises*

54. Under the Expanded Programme of Technical Assistance UNESCO might also, if a government so re-

¹⁸ See *Final Act of the United Nations Conference on Freedom of Information* held at Geneva, Switzerland, from 23 March to 21 April, 1948 (E/Conf.6/19), annex C, resolution No. 33.

quested, send one or more experienced journalists to organize the professional training of journalists. They would help to choose students who seemed sufficiently well educated to enter journalism and, if need be, beginners with insufficient training. They would lay the groundwork of a professional training course intended to continue after their departure.

55. In under-developed countries in which schools of journalism have been set up recently, UNESCO might, at a government's request, send one or more experts to help improve standards of teaching, within the already established curriculum, and to conduct courses on modern techniques in journalism. They might also organize the printing of a "pilot" newspaper, which would be specially edited so as to study the reactions aroused among various segments of the population by different methods of presentation, particularly among those who have recently learned to read.

56. In addition, if a government should decide to found certain publications, these experts would be made responsible, if it so requested, for helping to organize the gathering of news items, articles, photographs and pictures and the circulation machinery and for making provision for collecting and distributing advertising matter.

57. The international organizations might increase the number of fellowships they grant for sending abroad young journalists who are nationals of under-developed countries.

(4) Rates of transmission and customs duties

58. The United Nations Educational, Scientific and Cultural Organization has prepared proposals for reduced rates and improved facilities for the transmission of Press messages, and will request its member States to support these proposals at the next International Telegraph and Telephone Conference.

59. The UNESCO-sponsored Agreement on the Importation of Educational, Scientific and Cultural Material already provides for the exemption of newspapers from customs duty, and the suggestion has been made by the Rapporteur on Freedom of Information (E/2426, p. 50) that the contracting parties might wish to consider the possibility of broadening the Agreement to cover Press materials, such as mats and news photographs.

60. The Rapporteur on Freedom of Information deals with various aspects of these questions in his recommendations N, P and Q, in chapter VI of his report to the Council (E/2426).

Chapter IV

RADIO

A. Development of broader facilities and services

61. The problems involved in the extension and development of national broadcasting services vary enormously from country to country. Any concrete proposals for direct action on a major scale must therefore stem from a study of the specific problems and possibilities in individual countries.

62. Some considerations of a more general character may, however, be useful as an indication of possible action on a national and an international level which can serve to promote a more effective utilization of existing opportunities as well as provide a groundwork for more extensive action which may develop at some later stage.

63. Any major increase in technical facilities for radio broadcasts inevitably involves substantial expenditures and must therefore be considered as part of long-range economic development plans. But by concentrating on a more efficient exploitation of existing facilities, considerable advances may be made at no great cost, which will not only result in immediate improvements but will serve as a basis for future development. Plans of this latter category will be concerned largely with a sharing of skills and experiences and will therefore conform to the normal pattern of United Nations technical assistance programmes.

64. International assistance in this field would take the form of, on the one hand, scholarships providing opportunities for officers of broadcasting systems of under-developed areas to study abroad and, on the other hand, the provision for the appointment of outside technological experts to bring advice and assistance to the broadcasting authorities in the areas concerned.

65. As a result of national programmes undertaken by several countries, recognized leaders in the electronic field, senior officials of broadcasting systems of many under-developed areas have had and continue to have opportunities to study broadcasting abroad. Such programmes will continue to make a major contribution to the efforts towards improvement of broadcasting services throughout the world.

66. However, it is recognized that the solutions arrived at in highly developed countries are frequently not applicable in areas with more limited resources. Any measures which could provide for a greater exchange of personnel between areas sharing problems common to under-developed countries, whether arranged bilaterally or on an international level, should prove of particular value in promoting short-term solutions to pressing practical problems.

67. Similarly, the encouragement by national authorities of regional associations of broadcasting organizations on both the programme and technical level would be useful in providing regular periodic opportunities for the exchange of experience and for the common study of common problems.

68. An important contribution possible through international action would be arrangements for making available outside experts assigned as part of technical assistance programmes. In this connexion, it should be borne in mind that the nature of a broadcasting service is so intimately bound up with the social, cultural, economic, and physical characteristics of the country itself that the advice of a number of outside experts unfamiliar with the area and available only on a short-term basis will be of less value than the help which can be rendered by fewer experts available over a longer period of time.

69. In view of this, and if the continuing nature of the problem is recognized, the possibility of appointing two or three regional technical assistance experts, whose advice would be available on a continuing basis, merits serious consideration. Such officers would be available not only to assist in the solution of technical problems but could help in the formulation of training programmes for technical staff. The advice of such experts would be important not only in relation to immediate practical problems but would be invaluable if at a later stage the authorities concerned sought assistance in the preparation of major long-range development plans.

70. In addition to seeking expert advice in the preparatory stages of planning, authorities responsible for broadcasting services may wish to have the advice of the highest authorities in various areas before embarking

on programmes involving heavy expenditures. In the electronic field new developments, actual and potential, must always be taken into account before large-scale construction and purchase of equipment is undertaken. The outstanding authorities in this field will not generally be available for the long periods of time required to make exhaustive studies in the field. The possibility might therefore be considered of bringing together from time to time outstanding experts from countries leading in the electronic field, to review major development plans when they have reached a final form.

71. A further step in the exchange of information could be the designation of an appropriate clearing house of information and ideas concerned with the development of broadcasting services. Distances and language barriers now stand in the way of effective sharing of the accumulated experience and wisdom available throughout the world. A central bureau which could translate and circulate papers by technical and programme experts could provide, inexpensively, services of very considerable value. The Director-General of UNESCO offered to have UNESCO compile a bibliography of the principal works on broadcasting technique (and if necessary, promote the translation and publication in particular languages of works that are considered essential); if listener-research services were to transmit the results of their research to UNESCO, they could be used as a basis for the development of principles valid for all countries or for particular groups of countries; UNESCO might also be requested to study the ways in which the various countries have solved the problem set by the multiplicity of languages.

72. Another useful contribution can be made on the international level by studies concerned with the manufacture of low-cost sets. In this connexion, UNESCO might be invited, within the limits of available resources, to continue the studies it has started in this field and keep in touch with various experiments undertaken, progress achieved, and new inventions to advise underdeveloped countries on the choice of satisfactory equipment. Similarly, on the basis of the experiments already made in certain territories, UNESCO might advise governments on the organization of the sale of cheap receiving sets, on their maintenance and on the supply of batteries etc.

B. Independence of broadcasting services

73. In their early stages, broadcasting enterprises cannot be self-supporting. In a great many countries where broadcasting services have been in existence for many years, their operation is financed from the licence fees paid by the owners of receiving sets. The government operates the service itself or grants an operating monopoly to a body over which it has some control, and broadcasting time is taken up entirely by programmes designed to satisfy the people's needs in the matters of education, information and entertainment. In other countries, there are private broadcasting enterprises which are supported by revenue from advertising. Obligations with regard to the nature of the programmes to be provided are sometimes imposed upon them. In other countries, the two systems exist side by side. Private broadcasting is normally possible only if there is a sufficient volume of advertising to cover the cost of operation.

74. In the case of a broadcasting enterprise set up and directed by the State, consideration may be given to a number of measures tending to ensure its operational independence.

75. Under one possible type of organization a government-appointed but otherwise independent board of directors manages the finances of the enterprise, the

revenue being derived from special taxes and licence fees established by law. This type of organization requires a strict and complex discipline and presupposes advanced administrative practices and a large financially disciplined listening public, able and willing to pay fees.

76. At the administrative and political level a possible first step towards operational independence would be to place broadcasting under regulations which ensure that it is regarded as a major State service and that those responsible for its direction are accorded an appropriate dignity and status.

77. The second step might be to appoint a number of distinguished citizens as a board of directors to determine the general policy of the enterprise. The chairman of the board of directors would be responsible for liaison between the government and the broadcasting service.

78. A third step might be the appointment or election of an advisory committee representing various listeners' groups which would meet two or three times a year and present and discuss suggestions put forward by its members and by listeners.

79. From the financial point of view, the independence of the enterprise will be strengthened if it has its own budget with revenue supplied from such sources as:

- (a) Licence fees paid by listeners for each receiving set;
- (b) Licence fees paid by the members of a group with facilities for collective listening;
- (c) The proceeds of any import duties on broadcasting equipment;
- (d) Profits on the sale of equipment and on servicing;
- (e) Profits on the sale of any radio periodical publishing details of programmes.

80. On these five possible sources of revenue the following observations may be made:

(a) and (b) Experience, at any rate in developed countries, seems to indicate that increased interest frequently results if the user feels that by paying a licence fee, however small, he safeguards his rights as a listener and gains in freedom and independence in relation to the administration.

(c) It would be desirable, from the point of view of developing radio in an under-developed country, to exempt receiving equipment from customs duties. In that regard, the United Nations Conference on Freedom of Information regarded certain financial measures as desirable for the development of radio reception.¹⁹

(d) If an official body sells receiving sets and sells or recharges batteries, a slight profit on these operations would provide additional revenue for the broadcasting service as a whole.

(e) The publication of a radio periodical is valuable for more educated listeners, although its public might be relatively limited in countries where there is a high rate of illiteracy.

C. Transmission abroad

81. States wishing to inaugurate or extend short-wave transmitting facilities for the purpose of broadcasting to distant countries face major problems, both financial and technical. The costs for equipment and installation are so high and the frequencies available in the presently overcrowded frequency bands so few that only limited possibilities exist for expansion in the short-wave field.

¹⁹ *Ibid.*, resolution No. 29.

82. States concerned may, therefore, wish to explore with other countries in the area the possibility of regionally organized short-wave transmitters, financed by a group of States and operated by an association of national broadcasting authorities or by an international agency acting on their behalf.

83. The specific problem of frequency (or wave-length) allocation cannot be solved by the various countries individually. The International Telecommunication Union, the specialized agency having competence in the matter, is making untiring efforts to enable all countries to have the frequency allocation which corresponds effectively to their needs.

84. The international exchange of recorded programmes is hindered by the fact that the standardization of technical characteristics is not yet complete. Efforts must still be made by the various countries with a view to arriving at general acceptance of standard characteristics on the basis of the recommendations of ITU.

85. The Rapporteur on Freedom of Information has dealt with problems of international broadcasting in chapter V, section O, and chapter VI, recommendation O, of his report to the Council (E/2426).

Chapter V

FILMS

A. Introduction

86. Films may be divided into two main categories: entertainment films, and what are collectively known as fact films. To a large extent the two are the product of separate industries, and the present report will not deal with the first since such films are not primarily a medium of information.

87. The second category, however, can itself be divided into three classes: the educational, didactic or training film; the documentary and cine-magazine; and the newsreel. All three are, to a greater or lesser extent, media of information.

88. In under-developed countries where there may be a high rate of illiteracy and where the benefits of education may not be widely enjoyed, news and fact films have a special role to play. Each type of fact film, including the newsreel, can contribute in its own sphere. This has been recognized in several under-developed countries where efforts have already been made to establish film units.

89. International dissemination of fact films, however, is difficult principally because such films, made for domestic purposes, are not always suitable for mass international distribution. They have to depend largely on non-commercial distribution.

90. While production and distribution are treated separately in this chapter, the one is dependent on the other. In the establishment of a film production enterprise, therefore, the purposes and possibilities of distribution must be taken into account.

B. Production

91. The production of fact films is rarely profit-making, even in highly developed countries. In under-developed countries where the need for such films is greatest, the establishment of a production enterprise is likely to require official subsidy, sponsorship and patronage. Such a film programme will contribute directly to the government's own programme for all efforts for economic and social advancement.

92. Nearly all Member States and many Trust and Non-Self-Governing Territories have some facilities for film screening and the beginnings of production for informational and educational purposes. Since there is such a wide range of means and scope it might be best to envisage development in stages. This has been done in annex I, which gives an outline, furnished by UNESCO, for step-by-step progress. It must be understood, however, that the steps may overlap and that it is not intended that development should begin at the first stage and follow the sequence.

93. Perhaps the most important need is that of training competent personnel. Arrangements for training at home and abroad have been suggested. Due care, however, must be exercised in selection of locations for training abroad. The sending of trainees to the studios of highly developed countries may not produce the best results because they will work in surroundings where either facilities or working conditions are totally dissimilar to those at home.

94. At least one country, Canada, has developed the use of the fact film in its government's information programme along lines which may usefully be studied by other countries, while another, the United Kingdom, has developed a training scheme for units in its dependent territories.

95. In film training even more than in other media regional production arrangements are likely to prove valuable. In almost every region there is at least one country possessing a competent information film unit. Such a unit might constitute the nucleus around which a regional training scheme might be built. A film centre located within the region is more likely to operate under conditions more or less common to other countries within that region.

96. A regional film centre need not limit itself to training. It could also serve as a clearing-house within the region for the exchange of experience, for the development of common programmes and for the exchange and regional distribution of the films which the various countries produce. Schemes for establishing and operating regional film centres might very well be studied by Member States in co-operation with appropriate regional bodies and specialized agencies.

97. Equipment presents no special problem except as to cost and the need for foreign exchange. In most under-developed countries it would be impractical to establish manufacturing enterprises for film equipment, although countries with a large film industry might well develop assemblage and partial production. Governments would therefore require to make foreign exchange available, to some extent in hard currency, for the purchase of such equipment.

98. Governments could also assist information film enterprises where they are needed by waiving or reducing customs duties and taxes on equipment and material used for documentary, educational, and information films. Many countries have already done so.

99. Raw film stock presents a special and continuing problem because the manufacture of raw stock is limited to very few countries. Since domestic production of raw stock is economically impracticable for most countries, foreign exchange will be needed. Governments might help by making foreign exchange available and/or waiving customs duties.

100. Rapid deterioration of raw stock presents a problem especially in tropical countries. In this respect, co-operative purchasing on a regional basis and central storage at a regional film centre might prove very helpful.

Fresh stocks would then always be available close at hand, and the bulk importation of large quantities from far away might be reduced with substantial savings.

101. While it is too early to deal with the subject in any detail, it should be noted that magnetic film for picture, as well as sound, has recently been developed in the United States of America. Such film is not subject to the deterioration of normal motion picture film, and may be used over and over again in production. The use of magnetic photography would require electronic cameras and related equipment, but the cost involved may be compensated for by savings in raw stock and in laboratory processing expenditures. This new development, however, is not likely to be universally available within the next two years at least.

102. Even in advanced countries the newsreel has an important role, but in under-developed countries it can prove a great force for information and education. In developed countries newsreels are released as frequently as twice a week. Where personnel and facilities are limited, however, fewer editions will suffice. Moreover the contents of the newsreel and the length of individual items may vary considerably from country to country in accordance with the information needs and the temperament of the people. Governments might therefore encourage production of national newsreels.

103. It is much more difficult to find adequate distribution abroad. The needs a domestic newsreel is designed to meet may not be the needs of other countries. And a domestic newsreel may not be able to compete with the domestic newsreels of another country. Even countries where newsreels are highly developed find it necessary to prepare special editions for international circulation. Even these are seldom profit-making.

104. The development of a domestic newsreel makes it possible to enter into agreements with newsreel enterprises of other countries for exchange of news film material. This is common practice throughout the world, and would enable a new enterprise at once to obtain foreign news film and to place its own footage abroad. This does not imply automatic use but the better the material and the greater its news interest, the more likely it is to be used.

105. Perhaps an intermediary step might be feasible in connexion with the proposed regional film centres. A regular exchange of news film on a regional basis might be developed and, if the need is felt, a co-operative regional newsreel might even be produced. The governments of the countries concerned could then assist in the circulation of such a newsreel.

C. Distribution

(1) Domestic distribution

106. As regards the possibilities of distributing documentaries, screen magazines and newsreels to national cinemas, the dominating position of the large production companies will in many cases be a determining factor. Locally produced films, however, can be of particular interest to the public. Some national income from the distribution of documentary films and screen magazines can be expected.

107. The cultural organizations which exist in most countries and which own projectors should be supplied with all the films they need for film libraries.

108. For rural areas, which predominate in under-developed countries, the establishment of mobile film projection services would considerably enlarge the distribution of fact films. Where electric power is lacking

this might be the only means of giving large population segments access to this form of information. Mobile projection furthermore has the advantage of economy and fullest utilization of available equipment. Details supplied by UNESCO relating to the setting up of a projection service are included in annex II of the present report, which concerns typical costs and other data for the budget of a visual material distribution centre.

(2) Foreign distribution

109. The following forms of distribution may be considered:

(a) Distribution to cinemas of documentary films, screen magazines and news information films (regular series of newsreels and short newsreel subjects);

(b) Distribution of documentary films over non-commercial circuits;

(c) Distribution of documentary films for use in television.

110. As regards distribution to cinemas abroad, account must be taken of the world-wide controlling position of certain large producing companies. Unless they are exceptional productions, documentary films and screen magazines can rarely find an outlet. In many cases, a production enterprise operating on an international scale obliges the distributor, if he wishes to obtain feature films (which provide the bulk of the receipts) to take the secondary films needed to make up a normal programme.

111. For the same reasons, and because the market is saturated, it is almost impossible to sell a regular series of newsreels abroad. Occasionally, foreign companies may be interested in a short newsreel subject, for example, if it is of a very unusual nature, but the income from this source will be insignificant.

112. Foreign distribution through the so-called non-commercial circuits and television is feasible. It is not a source of any great income, but plays an important part in making a country known abroad.

113. As regards the non-commercial circuits, various types of organizations in certain countries, and especially the United States of America, are interested in obtaining films of diversified origin and interest for their film libraries. There is also a sizeable demand outside the United States. To distribute films in this way, the producer or buyer must bear the not inconsiderable cost of dubbing them in another language.

114. Where television is developing, there is a rapidly growing demand for documentary films, uncut footage (exposed but unedited film) and, occasionally, short newsreel subjects.

115. It may be useful to add that:

(a) In the United States, the biggest television market, the cost of television rights for a ten-minute film ranges from a maximum of \$US200 for a 35 mm film to a minimum of \$US35 for a 16 mm film.

(b) United States television programmes are planned well in advance of presentation and usually cover a period of three months (13 weeks); hence, television stations prefer to obtain complete series of 13 films. Since it is often difficult for a single country to produce such a large series, the idea of regional co-operation should be kept in mind.

116. To ensure distribution abroad, a country (or an enterprise) will have to employ the services of a distributor willing to look after its interests, or send a representative to the area concerned. Where the number of films produced by a single country does not warrant

such an organization, several neighbouring countries may combine their efforts by establishing a joint system of foreign distribution.

D. Establishment of an enterprise and conditions of its independence

(1) Financial resources and independence

117. There are three possible sources of funds, any or all of which may be used:

(a) *Government sources.* The Government may wish to establish and develop motion picture enterprises as a means of educating the people, as a weapon in the campaign against illiteracy or as a medium of information. It may also seek to make itself known in the world through the motion picture information material it produces.

(b) *Commercially disinterested private sources.* It is conceivable that national, international or foreign organizations may place funds at the disposal of a motion picture enterprise in order to promote the development of education and the spread of information. Assistance of this kind would possibly cover only capital expenditures.

(c) *Commercial sources.* Commercial financing is conceivable only where an established enterprise has reached a high level of development, when the production of a regular series of newsreels may be a profitable undertaking. In addition to newsreels, a commercial enterprise might produce documentary films and film magazines. But the production of educational films and film strips for domestic use will always show a substantial loss and will therefore need to be subsidized.

118. The independence of the enterprise will be promoted if the motion picture organization is given an entirely free hand in its creative work. The government may assist by establishing a small panel of persons chosen for their authority, independence and competence in the matter of education and information, to discuss current questions with the head of the organization at regular intervals.

(2) Recruitment of staff

119. The determining factor in the problem of recruitment is the availability of local personnel. The main tasks are to get the organization started and to train local staff. Staff could be trained at much less expense if a number of countries wishing to establish services for the production of information films agreed to centralize professional training and to organize joint courses.

E. International assistance and films

120. The dispatch of missions of experts is the most effective way in which the international organizations can help a country wishing to set up an information film production and distribution enterprise. At the stage of the establishment of distribution centres, the training of local staff of film libraries, the training of projectionists and so on, the help of foreign experts will be most valuable. Whether or not the country in question intends to ask for international assistance in carrying out the programmes, it can make use of it at the preliminary stage by requesting an exploratory mission to examine the local situation, the aims to be achieved, the extent of the financial resources which can be mobilized, the skilled personnel locally available, and the needs of the people whom the motion picture enterprise is to serve.

121. It has been seen that regional co-operation may be possible in some aspects of motion picture production

and distribution. Member States, acting in co-operation with appropriate regional organizations and UNESCO, may wish to study the possibilities and methods of organizing such regional co-operation. The knowledge gained would be used in the organization of assistance missions.

122. Desirable exchanges of information at the international level might relate to the identity and whereabouts of existing films, to public reactions in different countries to films and other visual media, to new techniques of production and presentation, to new methods of using educational films for teaching purposes and of training teachers for the purpose, or to details of technical advances in equipment. The United Nations Educational, Scientific and Cultural Organization has already begun that work as one of its permanent services.

Chapter VI

REMARKS RELATING TO INFORMATION ENTERPRISES IN GENERAL

A. Economic and financial obstacles to the development of enterprises

123. Specific economic and financial factors have already been outlined under the chapter headings of news agencies, the Press, radio and films. Remedial national and international action has been described, particularly tax exemptions, reduction of tariffs and regional co-operation.

124. Removing or reducing customs barriers on imports of equipment might, in some countries, provide a valuable impetus. In this connexion attention may be drawn to the recommendation of the Rapporteur on Freedom of Information (E/2426, p. 56) that the Council may recommend governments which have not done so to adhere to the UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials.

125. In addition to favourable treatment in relation to customs duties, taxes and currency allocation, news agencies and radio and film enterprises may also need direct financial assistance from governments, especially in the earlier stages of development. However, even such assistance may not be adequate because many under-developed countries cannot provide the foreign currency needed to acquire expensive equipment. Lack of financial resources for capital goods is the key problem in connexion with many types of development project. Technical assistance by itself can in many instances be of little value unless the availability of adequate capital permits full use of the knowledge gained. Several governments which have sought technical assistance under the various technical assistance programmes have, at the same time, obtained financial assistance from international sources or from foreign private investment (others have obtained expert advice from international organizations on methods of financing projects from domestic capital).

126. Although, as is pointed out elsewhere,²⁰ a more liberal use of funds for demonstration equipment has been permitted under the Expanded Programme of Technical Assistance, adequate international funds are not at present available for granting long-term loans for non-self-liquidating projects.

127. The continuing recognition given by the General Assembly and the Economic and Social Council to the fact that the development of under-developed territories requires financial as well as technical assistance is to be

²⁰ See paragraphs 155 and 156 below.

seen in a number of resolutions adopted by those organs.²¹ The financing of economic development has received attention also from various economic commissions of the Council.

128. The UNESCO Coupon Exchange Scheme has a certain usefulness in overcoming currency difficulties, particularly in relation to obtaining educational films, unexposed film intended for the production of such films, and certain types of electronic equipment. But the currency resources available to UNESCO for this scheme would not be enough to provide the sums necessary for the establishment of a radio station, a press etc. It may be useful to invite the regional economic commissions of the Council to examine further the problems involved in relation to their particular regions.

129. The Rapporteur on Freedom of Information has dealt with Press rates and priorities, with postal services and with tariff and trade practices in chapter V, sections N, P and Q, and chapter VI, recommendations N, P and Q, of his report to the Council (E/2426).

B. Training of personnel

130. The need for training locally recruited personnel who would carry on operations after the withdrawal of foreign experts has been referred to at several points in this report. The actual arrangements would vary from country to country depending on the facilities at the disposal of governments and the institutions and organizations directly concerned. The United Nations and one or more of the specialized agencies, particularly UNESCO, might be able to assist, depending on facilities at their disposal. This assistance would be specially valuable in training for coverage of international affairs. The Director-General of UNESCO has suggested that, if the demand were sufficient, consideration might be given to the provision by UNESCO, for experts about to leave on missions, of courses on the problems involved in the professional education of locally recruited personnel. Such courses, attended at UNESCO headquarters, might be followed by short courses in one or other of the regional fundamental education centres set up by UNESCO.

131. In addition to the local training of personnel, the provision of fellowships abroad would be useful for recruits of sufficient experience and maturity.²²

132. Schemes for exchanges of personnel between countries facing similar problems provide a useful and economical way of sharing experience.²³ Exchange visits have in past practice been shorter than the periods spent by fellows in host countries.

133. The Rapporteur on Freedom of Information has dealt with professional training in chapter V, section L, of his report to the Council (E/2426), and in chapter VI, recommendation L, he has included a draft resolution on this subject and has recommended that the suggestions contained therein be taken into account when the Council is considering the present study.

134. The question of the training of personnel is related to the raising of professional and technical standards, to which the General Assembly made reference in resolution 633 (VII). The training must aim at achieving not only technical competence but the observance of the highest ethical principles in journalistic practices. In

chapter V, section H, and in chapter VI, recommendation H and draft resolution No. 12, of his report, the Rapporteur on Freedom of Information has dealt with professional standards. His treatment in chapter V, section I, and in chapter VI, recommendation I, of the independence of information personnel also has a relevance to maintaining professional standards.

C. Possible further research

135. Information enterprises were created and developed and acquired their distinctive characteristics in developed countries where the traditions and needs of the public are very different from those of the public in the under-developed countries. Certain experiments, as yet very limited, are being carried out to determine the importance of the role of radio, films and television in the economic, social, educational and cultural development of the under-developed countries, as well as the most effective methods to apply. These experiments include the use of radio for fundamental education and literacy teaching through group listening, experiments in rural adult education through television broadcasts addressed to viewing groups, audience research texts, experiments in communication of ideas through films and evaluations of the usefulness of films at fundamental education centres. These experiments could be widened.

136. In relation to the Press, hardly anything of this nature has been undertaken. Audio-visual media are of particular importance to under-developed countries. However, the role of the Press should not be underestimated even if circulations are small. There is, after all, no substitute for the printed word and the smaller the number of literates the greater generally is their influence. Further, campaigns against illiteracy in recent years have shown how important it is to provide reading matter and to inculcate the habit of reading in order to prevent a relapse into illiteracy. The Press of under-developed countries may have to study and meet these needs and not be content with following the habits and traditions of the Press in more advanced nations.

137. Whether it concerns the Press, radio or films, analysis of needs and techniques and comparison of experience in different regions of the world would prove most helpful to developed and under-developed countries alike. International co-operation in such studies might therefore be stimulated.

138. Under-developed countries need materials designed for their requirements, such as cheap battery-operated receiving sets adapted for use in tropical countries and film projectors equipped with their own electrical supply. International organizations, by keeping in touch with the latest inventions and technical progress, will be in a position to advise these countries on the acquisition of the materials needed.

D. Diffusion of information on the national and international levels

139. The present report has attempted to show that certain national or international measures may result in rapid and considerable increase in the flow of information in the countries concerned. Greater diffusion of information abroad is much more difficult to organize.

140. However, when a country has established a good national news service it will be able (a) to make arrangements with world agencies for exchanging services; and (b) to use its information in special radio programmes for broadcasts abroad.

141. While the development of broadcasting services to meet national needs is the essential task, the facilities

²¹ General Assembly resolutions 198 (III), 306 (IV), 307 (IV), 400 (V), 520 (VI), 622 (VII) and 724 (VIII) and Council resolutions 179 (VIII), 222 D (IX), 268 B (X), 294 (XI), 342 (XII), 368 (XIII), 416 A, C and D (XIV) and 482 A (XVI).

²² See paragraphs 145 to 147 below.

²³ Cf. paragraph 66 above.

created for this purpose may also afford—particularly if the high-frequency technique is employed as the initial method—opportunities for broadcasting to foreign listeners. A limited broadcasting service in the most suitable foreign language may be developed. Besides, systematic exchange of programmes may serve similar ends.

142. The production of independent newsreels will present many practical difficulties. Nevertheless after a limited period of arrangements with outside producers, an attempt may be made to produce a simple national newsreel. This could consist of national news covered by the country's own production and international news covered by footage from the foreign agency but with commentary produced by the appropriate official, educational, or commercial agency of the country.

143. Documentary and educational films would have less difficulty in securing some distribution abroad though the revenue possibilities are very limited.

Chapter VII

RELEVANT ASPECTS OF TECHNICAL ASSISTANCE

A. General remarks on certain technical assistance methods

144. Stress has been placed in discussions in United Nations organs upon technical assistance as a means of furthering the encouragement and development of independent domestic information enterprises. The present study has referred to technical assistance in many places under the chapter headings of news agencies, Press, radio and films. It may be useful to add some general remarks on certain methods of technical assistance which appear to have a particular importance in the present connexion, beginning with those specifically mentioned by the General Assembly in resolution 633 (VII): the provision of fellowships and the holding of regional seminars.

(1) Fellowships

145. Reference has been made in the present report to the possibility and desirability of providing facilities for appropriate study abroad to nationals of countries wishing to develop their information enterprises.²⁴ This type of study may be provided in many instances through the existing programmes of technical assistance.

146. In operating the Expanded Programme of Technical Assistance, both requesting governments and the participating organizations have stressed the value of the provision of fellowships, by which senior personnel, who are nationals of under-developed countries and are nominated by their governments, may study abroad new techniques in their field of work and improve their skills by practical training and observation. Not all fellowships are awarded for study in highly developed countries. Many countries which are considered under-developed in certain fields can offer valuable training, based on local experience, in others. This consideration is certainly relevant to the development of information enterprises.

147. Fellowships have generally been awarded as part of more technical assistance activities. Thus, an expert of one of the organizations in the field may help to select a fellow who, when he returns from his period of study, may replace the foreign expert and carry forward his

work. In other cases, a fellowship may be awarded before the arrival of the expert in order to enable the expert and the returned fellow to work side by side.

(2) Regional seminars

148. Regional seminars, attended by senior officials and technicians from a group of neighbouring countries who receive advanced training in their specific fields of work, form an important category of regional technical assistance projects. Training through such regional projects is more economical than sending fellows abroad, and there is a guarantee that such training will be related to local conditions. Regional seminars and regional training centres attended by nationals of a group of adjacent under-developed countries also offer an opportunity for the exchange of comparable experience between the participants. The seminar technique is also a means of arousing public interest in specific problems. Seminars may be combined with visits of inspection to enterprises already in operation.

149. The possibility of holding regional seminars is of particular interest because of the desirability of studying the many possible aspects of the regional approach to the encouragement and development of domestic information enterprises. The importance of this regional approach has been fully recognized in the present report. Paragraphs 23 to 26 show the possible advantages of the organization of a regional news agency. Paragraphs 33, 34 and 42 relate the regional approach to the problem of developing the Press in under-developed countries and concern the production or purchase on a regional basis of newsprint and regional schools of journalism. Paragraphs 67 and 82 concern regional organization in relation to radio. The regional approach is related to the problem of the production and distribution of films in several ways in paragraphs 95, 96, 100, 105, 115, 116, 119 and 121. In paragraph 119, it is suggested that several countries organize common courses of instruction for the education of personnel. The same possibility of establishing regional instruction centres for professional personnel applies to all information enterprises. In chapter VIII, the regional concept appears in relation to UNESCO and the under-developed countries themselves.

(3) Explanatory missions

150. The present report has referred to the possibility that international organizations may be in a position to send experts to provide assistance on the spot in connexion with the training of news agency personnel,²⁵ the training of journalists and printing personnel and the installation and operation of printing presses,²⁶ the provision of advice on training and other matters relating to radio,²⁷ the training of film personnel and the many other technical problems involved in launching a film industry.²⁸ It will be seen that the problem of training has been accorded a particular importance in this connexion.²⁹

151. It will often happen, however, that a government is not sufficiently certain of its needs to be able to formulate a request for international assistance in a precisely defined field. In paragraph 6 above the question is raised whether general solutions can be found which would be applicable to all countries which might ask for international assistance. The conclusion is reached that there cannot be any general solution valid for all cases, and the aim of the present report has been

²⁵ See paragraph 30.

²⁶ See paragraphs 40, 53 to 56.

²⁷ See paragraphs 64, 68 and 69.

²⁸ See paragraph 120.

²⁹ See also paragraph 130.

²⁴ See paragraphs 31, 41, 57 and 64 above.

essentially to indicate general guiding lines and to describe solutions which each country must adapt to its own circumstances. The report has not described the problem of individual countries or even those of specific areas. It is therefore useful to recall that expert assistance under technical assistance programmes is not limited to the giving of advice on narrowly defined topics. Exploratory missions having broad terms of reference in the wide areas of economic and social planning have been sent into the field. The broad scope of its terms of reference alone would not prevent a mission from surveying, and recommending an integrated approach to, the needs and problems of a country in the matter of independent domestic information enterprises, or some aspects thereof, should doubt remain as to the more precise requests for technical assistance which should be made by the government of that country. The sending of exploratory missions or missions of inquiry has already been envisaged above in connexion with news agencies³⁰ and films.³¹

152. The sending of exploratory or other missions involves the problem of finding experts, willing to undertake relatively short-term assignments, who are qualified and who, if possible, have already had relevant experience in under-developed countries. Some governments have set up offices or committees to facilitate recruitment. Just as attempts are made to ensure that all technical assistance experts are acquainted with the structure and the other basic activities of the United Nations and specialized agencies, it is important that experts engaged in missions relating to the encouragement and development of independent domestic information enterprises should be familiar with the human rights background of the work in which they are engaged.

(4) *Equipment and supplies*

153. In connexion with a form of development which involves such an elaboration of technical equipment as does the launching and expansion of information enterprises, it may be useful to make a brief reference to the provision of equipment and supplies under the technical assistance programmes.

154. According to Council resolution 222 A (IX), equipment and supplies may be provided under the Expanded Programme of Technical Assistance to the extent that they form an integral part of a project of technical assistance. While equipment may not be necessary when, for instance, a survey is undertaken to assess a problem, considerable equipment may be essential when the operational stage is reached. No request for equipment alone is considered, and equipment which is produced in the country concerned is not provided by the participating organizations.

155. The General Assembly in resolution 519 A (VI) of 12 January 1952 welcomed the action of the Technical Assistance Committee in recommending, in its third report,³² that the Secretary-General and the participating organizations should interpret the rules regarding the provision of supplies and equipment more generously than in the past, within the framework of Council resolution 222 A (IX), and requesting the Technical Assistance Board to study the practicability of meeting the needs for supplies and equipment designed to increase the effectiveness of certain economic and social services in the under-developed countries, especially in respect of the establishment of training and research centres.

156. It also will be recalled that the proposed programme of the TAB for 1953 envisaged providing greater amounts of equipment and supplies, particularly in connexion with pilot, demonstration and training centres located in the under-developed countries.³³ The supply of equipment is considered mainly in connexion with demonstration projects. Demonstration and pilot projects and training centres themselves offer a promising means of spreading knowledge of techniques and may be linked with regional seminars or be otherwise organized on a regional basis. The United Nations Educational, Scientific and Cultural Organization has provided a number of countries with audio-visual equipment.

B. *Scope of the United Nations regular technical assistance programmes and of the Expanded Programme of Technical Assistance*

157. The use to which the United Nations regular technical assistance programmes and the Expanded Programme³⁴ may be put in the encouragement and development of domestic information enterprises depends however on whether the scope of those programmes is wide enough to cover all types of assistance which could be requested in that connexion.

(1) *Terms of the operative resolutions*

158. As regards the United Nations regular programme of technical assistance for economic development, General Assembly resolutions 200 (III) and 305 (IV) are the important texts in this connexion. The preamble of the former resolution makes reference to "economic and social progress and development" as being among the principal objectives of the Charter of the United Nations, but the operative paragraphs clearly limit the operation of the resolution to economic development. In resolution 305 (IV) the General Assembly agreed with the recommendation of the Council that activities under resolution 200 (III) be expanded "in accordance with the Secretary-General's proposals", but these proposals did not envisage an expansion of activities beyond the field of economic development (document E/1335/Add.1 and Council resolution 222 C (IX)).³⁵

159. For the United Nations programme of social welfare services, General Assembly resolution 418 (V), which revised General Assembly resolution 58 (I), authorized the furnishing of a number of types of advisory services in the field of "social welfare". The Social Commission was requested "to formulate recommendations from time to time concerning the continued action required to carry on the essential advisory activities in the field of social welfare".

160. By resolution 723 (VIII) the General Assembly approved "a revised United Nations programme in public administration" and thus authorized an expansion in the activities in this field which had been initiated by resolution 246 (III) and placed on a continuing basis under resolution 518 (VI).

161. In resolution 304 (IV) the General Assembly approved the observations and guiding principles set out in annex I of Council resolution 222 A (IX) on an

³⁰ See paragraphs 28 to 30.

³¹ See paragraph 120.

³² See *Official Records of the Economic and Social Council, Thirteenth Session, Annexes*, agenda item 33, document E/2102, paras. 9 and 10 and annex I.

³³ See document E/2213, vol. 1, para. 297.

³⁴ Programmes of advisory services of specialized agencies not forming part of the Expanded Programme are not meant to be included in the discussion of the scope of programmes that follows.

³⁵ It may be added however that in resolution 306 (IV) on economic development of under-developed countries the General Assembly recommended the Council "to continue to give urgent attention to the problems of economic development of under-developed countries, giving due consideration to questions of a social nature which directly condition economic development".

expanded programme of technical assistance for economic development. According to the first of the General Principles included in annex I, "The participating organizations should, in extending technical assistance for economic development of under-developed countries:

"1. Regard it as a primary objective to help those countries to strengthen their national economies through the development of their industries and agriculture, with a view to promoting their *economic and political independence* in the spirit of the Charter of the United Nations, and to ensure the attainment of *higher levels of economic and social welfare* for their entire populations".

162. Under the heading "Selection of Projects" the annex states:

"1. The participating organizations, in deciding on a request for assistance, should be guided solely by the Charter of the United Nations, by the principles of the United Nations programme for technical assistance and by appropriate resolutions of the General Assembly and of the Economic and Social Council. The services envisaged should aim at increased productivity of material and human resources and a wide and equitable distribution of the benefits of such increased productivity, so as to contribute to the *realization of higher standards of living* for the entire population. Due attention and respect should be paid to the national sovereignty and national legislation of the under-developed countries and to the social conditions which directly affect their economic development. Requests for technical assistance may therefore be approved which will help governments to take account of the probable consequences of proposed projects for economic development in terms of the *welfare of the population as a whole*, including the promotion of full employment, and also to take account of those social conditions, customs and values in a given area which would directly influence the kinds of economic development that may be feasible and desirable. Similarly requests may also be approved for technical assistance to governments desiring to undertake the *specific social improvements* that are necessary to permit effective economic development and to mitigate the *social problems*—particularly problems of dislocation of family and community life—that may arise as a concomitant of economic change..."

(2) Interpretation in practice of these provisions

163. The limits within which technical assistance may be provided are inevitably not defined with complete precision, and their interpretation in practice is important.

164. The Council will recall that the preamble to its resolution 385 D (XIII) on Advisory Services for the Improvement of the Status of Women *inter alia* notes "that the advisory services rendered by the United Nations to governments on request may include assistance in the field of human rights, without distinction as to race, sex, language or religion".³⁶ Freedom of infor-

mation is one of the most important of human rights and fundamental freedoms, and the General Assembly recognized that freedom of information might be implemented through existing technical assistance programmes when, in paragraph 4 of resolution 633 (VII) on information facilities in under-developed regions of the world, it invited "the Council to recommend to the organizations participating in the technical assistance and other programmes providing aid or assistance at the request of Member States that they give sympathetic consideration to requests which governments may submit for such aid or assistance within the framework of those programmes with a view to improving information facilities and increasing the quantity and improving the quality of information available to the peoples of the world, as one means of implementing the right of freedom of information as enunciated in the provisions of Article 1, paragraph 3, and Article 55 of the Charter of the United Nations and in Article 19 of the Universal Declaration of Human Rights".

165. In resolution 504 J (XVI) the Council, *inter alia*, recommended that the organizations participating in the technical assistance programmes give sympathetic consideration to the requests that governments might submit for aid, within the framework of existing programmes, which would be useful in promoting the economic and social advance of women; and decided that, subject to the approval of the General Assembly, the Secretary-General shall be authorized to render, at the request of Member States, services which did not fall within the scope of existing technical assistance programmes, in order to assist these States in promoting and safeguarding the rights of women. At its eighth session the General Assembly adopted resolution 729 (VIII) on technical assistance in promoting and safeguarding the rights of women. It thereby approved the decision of the Council authorizing the Secretary-General to render, at the request of Member States, services which did not fall within the scope of existing technical assistance programmes, in order to assist those States in promoting and safeguarding the rights of women.

166. In resolution 502 G (XVI), the Council, *inter alia*, recommended that the organizations participating in the technical assistance programmes give sympathetic consideration, within their terms of reference, to the requests which governments might submit for technical assistance in connexion with measures aimed at the eradication of prejudice or discrimination or at the protection of minorities, and recommended the General Assembly to authorize the Secretary-General to render, at the request of Members of the United Nations, expert advice and other services in order to assist them in the eradication of prejudice or discrimination or in the protection of minorities. At its eighth session the General Assembly adopted resolution 730 (VIII) on technical assistance in the fields of prevention of discrimination and protection of minorities. This resolution authorizes the Secretary-General to render, at the request of any Member State 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; 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.

³⁶ The United Nations Technical Assistance Administration issues annually a *Programme of Fellowships and Scholarships*. The authority for this annual programme is derived from the above-mentioned basic resolutions relating to the United Nations regular programmes of technical assistance for economic development, public administration and social welfare. Each annual issue of this *Programme of Fellowships and Scholarships* contains a statement of fields in which fellowships and scholarships are available, which includes an item reading: "Methods of improving the status of the individual and promoting observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Fellowships awarded under this programme have included a fellowship in the field of the status of women.

167. In the fourth report of TAB to TAC, it is stated: "In accordance with the policies laid down by the Economic and Social Council, increased attention will be devoted to the social problems in under-developed countries under the Expanded Programme" (E/2213, vol. I, para. 318).

168. In the second considerandum to resolution 633 (VII) the General Assembly has expressed its conviction "that the development of information media contributes greatly to the economic and social progress of peoples".

169. Furthermore, freedom of information has in fact been encouraged under the existing programmes in certain directions.

170. United Nations technical assistance for economic development afforded under resolution 200 (III) has included assistance relating to telecommunications (radio-telephone, radio-telegraph, telephone and telegraph services)³⁷ the manufacture of newsprint,³⁸ modernization of printing techniques in government printing shops and training of government printers.³⁹ Services connected with telecommunications have been rendered in particular in conjunction with the International Telecommunication Union.

171. Relevant assistance afforded under the Expanded Programme of Technical Assistance has related to telecommunications, including telephone, telegraph and broadcasting services,⁴⁰ use of films and other visual means for educational purposes,⁴¹ the manufacture of pulp and paper⁴² including the production of hand-made paper⁴³ and again the organization and work of a government printing office.⁴⁴ Much technical advice has been furnished by UNESCO, either through or outside the Expanded Programme, on films, radio and other audio-visual media. For instance, UNESCO has sent expert missions to Turkey, Egypt and Israel to assist in the development of broadcasting and educational film production.

172. It should be noted that the requirement laid down in General Assembly resolution 200 (III) and Council resolution 222 A (IX) that technical assistance shall be given "only to or through governments" has meant that assistance may be given to private or co-operative enterprises at the request of governments.

173. In view of the wording of the resolutions applicable, however, it would be unwarranted to conclude that every type of request relevant to the development of information enterprises could be met under the technical

assistance programmes as at present defined. It must also be recognized that the existing financial resources afford little scope for adding new types of projects to the existing programmes.

Chapter VIII

POSSIBLE ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

174. In the present paper, the Secretary-General, in conjunction with the Director-General of UNESCO, has attempted to study ways and means of encouraging and developing independent information enterprises in under-developed countries on the basis of the essential relevant data. In what follows, certain possibilities of action by the Council are indicated. These indications are given without reference either to priorities in national or international programmes or to the effect of any of the contemplated measures or policies upon the achievement of economic and social objectives in other fields, the resources available for which (as was clearly brought out in the preceding chapter) are very limited. They, therefore, do not represent proposals but rather elements on the basis of which a programme may be formulated by the Council itself.

175. With this understanding the Council may wish to consider the following possibilities:

(1) Drawing the attention of governments to the report prepared by the Secretary-General, in conjunction with UNESCO, on the encouragement and development of independent domestic information enterprises.

(2) Recommending that governments consider making the necessary arrangements whereby the organ or agency designated by the United Nations as responsible in this field is kept informed of the results of the experiments and work carried out in their territories relating to the encouragement and development of independent domestic information enterprises.

(3) Recommending that the governments of under-developed countries:

(a) Take into account, in studying plans for the development of their domestic information enterprises, the possible advantages of co-operating with neighbouring countries;

(b) Consider the possibility of repealing or reducing to the minimum customs and import duties and sales taxes on the raw material and equipment necessary for establishing or developing information enterprises, in particular newsprint, printing equipment, radio transmitting and receiving equipment, and equipment for the production and projection of films;

(c) Consider the possibility of extending to information enterprises due facilities for acquiring the currency needed for the purchase abroad of raw materials and equipment necessary for their development;

(d) Consider the possibility of reducing telephone, telegraph and postal rates for Press messages and transport rates for publications;

(e) Become parties to the Agreement to Facilitate the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character and to the Agreement on the Importation of Educational, Scientific and Cultural Materials;

(f) Encourage, as part of their educational programme, the establishment of professional training courses in the various branches of information;

(g) Encourage the establishment of newsprint-purchase co-operatives where such co-operatives would enable Press enterprises to purchase newsprint more cheaply.

³⁷ See documents E/1893 (para. 84), E/2001 (p. 70), E/2209 (paras. 28, 29, 75, 87, 94, 112, and 178), E/2213 (vol. I, paras. 6-7), E/2375 (pp. 3-4 and 7) and E/2414 (paras. 15, 143, 184 and 289). In the above-mentioned *Programme of Fellowships and Scholarships* of the United Nations Technical Assistance Administration it is said that fellowships and scholarships are awarded in, *inter alia*, the field of "Telecommunications: Construction, organization, management, operation and maintenance of telegraph, telephone and radio communication systems".

³⁸ See documents E/1700 (para. 29), E/2209 (para. 174), E/2213 (vol. II, para. 887) and E/2433 (paras. 257, 718, 988, 1025, 1237 and 1287).

³⁹ See documents E/2209 (paras. 72-3) and E/2414 (para. 106).

⁴⁰ See documents E/1911 (paras. 125 and 174), E/2213 (vol. I, para. 189, and vol. II, paras. 332, 531 and 814-5), E/2414 (paras. 15, 45, 129, 212 and 363) and E/2433 (paras. 263 to 266). Cf. TAB.I/Rev.I, p. 10.

⁴¹ See document E/2213 (vol. II, para. 840).

⁴² See documents E/2213 (vol. II, para. 956; cf. also para. 1159); E/2414 (paras. 288, 323 and 367) and E/2433 (paras. 292 and 751).

⁴³ See document E/2414 (para. 51).

⁴⁴ See document E/2414 (para. 273; see also para. 297).

(4) Recommending that the governments of countries where information enterprises are highly developed consider:

(a) Facilitating the entry into and sojourn in their territory of nationals of under-developed countries desiring to study or train in order to improve their professional qualifications; and

(b) Encouraging information enterprises in their territory to promote as far as possible training courses which nationals of under-developed countries who wish to do so may attend.

(5) Recommending to the organizations participating in the technical assistance and other programmes providing aid or assistance at the request of Member States that they give sympathetic consideration to requests which governments may submit for such aid or assistance, within the framework of those programmes, with a view to improving information facilities and increasing the quantity and improving the quality of information available to the peoples of the world.⁴⁵

(6) Requesting TAB similarly to give sympathetic consideration to such requests, particularly when they concern the establishment of new enterprises manufacturing newsprint and printing paper, news agencies and Press, radio and film enterprises, or the professional training of the staff necessary for the proper operation of these enterprises.

(7) Requesting its regional economic commissions, in so far as the need exists in their respective regions:

(a) To seek means of enabling soft-currency countries to obtain foreign currency for the purchase of the equipment and raw materials necessary for the proper operation of the various information enterprises; and

(b) To study the possibility of establishing newsprint-purchase co-operatives comprising the Press enterprises of several countries in a given region.

(8) Recommending that the Food and Agriculture Organization of the United Nations to the extent that available resources and existing priorities permit:

(a) Continue and intensify its long-term activities to encourage increased production and more equitable distribution of newsprint and printing paper;

(b) Continue the inquiries it has already made in

several countries into the possibility of developing a paper and pulp industry; and

(c) Continue to send, to countries so requesting, missions of experts to advise governments desiring to establish new newsprint and printing paper factories, and to assist them in drawing the necessary plans.

(9) Recommending that the United Nations Educational, Scientific and Cultural Organization, to the extent that available resources and existing priorities permit:

(a) Intensify its activities with a view to increasing its aid to governments desiring to develop their domestic information enterprises;

(b) Send, at the request of governments, missions of inquiry to draw up, on the spot and in agreement with the competent authorities, plans for organizing and developing domestic information enterprises;

(c) Examine, whenever several countries in one region present similar requests for assistance, the advantages of regional collaboration, and at the proper time propose to the governments of these countries a plan for the establishment of a joint regional organ such as a news agency or a radio station;

(d) Organize, at the request of governments and upon approval of plans for the establishment or development of information enterprises, the dispatch of missions of experts to assist

(i) In putting such enterprises into operation;

(ii) In the training of technicians and professional workers for information, Press, radio and cinema enterprises according to the particular needs of each country;

(e) Increase the number of fellowships granted in order to enable the staff of domestic information enterprises of under-developed countries to increase their knowledge and to improve their qualifications by serving as trainees in countries with highly-developed information enterprises;

(f) Continue and intensify the work of its research and documentation centre in order to enable under-developed countries to profit by the experience of countries with a high level of technical advancement, and to undertake and promote research likely to encourage the development and raise the efficiency of domestic information enterprises.⁴⁶

ANNEX I

FILMS PRODUCTION

(Plan prepared by UNESCO)

A. Production of informational and educational films

1. A plan is set forth below for starting and expanding the production of informational and educational films. The plan comprises five successive stages, each representing an advance upon its predecessor and calling for greater capital outlay, additional and more highly perfected equipment and a larger and more highly specialized skilled staff. Each stage of this development covers a minimum period of one year.

2. The scheme described below calls for the following remarks:

(a) It is intended solely for purposes of guidance. The figures included depend upon so many different factors

varying with the geographic, economic, social and demographic structure of the different countries that they represent only an average approximation;

(b) It is assumed *a priori* that the organization to be established will be able to secure the necessary funds, and that its resources will determine the stage of development at which it will have to halt provisionally;

(c) Where a country wishing to take this plan as a basis already possesses a motion picture production enterprise, it could very well endeavour to apply the plan not at the first stage but at one of the other stages outlined. Generally speaking, a motion picture production enterprise may be started at any one of the stages described without passing through preliminary stages if practical conditions (financial resources and equipment) and the training of personnel warrant this;

⁴⁵ Cf. General Assembly resolution 633 (VII), quoted in paragraph 3 of this report.

⁴⁶ Attention is also drawn to paragraphs 52, 71, 72, 121, 122 and 130 above.

(d) It is assumed that the government has no technical personnel available and will, therefore, have to enlist the services of experts, either under the Expanded Programme of Technical Assistance or otherwise. These experts will, from the outset, work with locally recruited staff which will be trained by them and which will take their place after a certain time.

(e) Information concerning the technical details of the equipment required for each of the five stages will be found under heading B below. Under heading C will be found a table showing the number and qualifications of the foreign experts and local staff required for each stage.

3. The first stage is designed mainly to meet the needs of educational information for local purposes. It consists of forming a small team equipped to produce 16 mm. silent films, film strips and photographs. This team comprises three foreign experts and four persons recruited locally.

4. A team of this kind should be able to produce during the first year from five to eight reels of silent film (lasting ten minutes each and exposed at 24 frames per second so that a sound track commentary may be added later) and a number of film strips. The product will consist almost entirely of educational material for local use. However, even if production remained at the first stage, that is to say, if only 16 mm. silent films were produced, it might be possible from time to time to add "by-products" likely to be of interest to other countries. By this is meant unedited footage from which television companies might select items to illustrate certain of their programmes. The income from this form of distribution would be insignificant.

5. The entire process of film production could not be carried out in the country. Developing and printing would have to be done in a foreign laboratory.

6. For the establishment of an organization of this kind an initial investment of \$US10,000 and an annual outlay of \$US15,000 (on the production basis indicated above, more if production increased) should be anticipated. To these figures there must be added the travelling expenses, subsistence allowances and wages of foreign personnel, the team's travelling expenses inside the country, the cost of the team's working quarters and the amortization of the initial investment at the rate of 20 per cent. Even at this first stage, it will be seen, a considerable outlay is required.

7. The second stage consists in a limited development of 16 mm. production and the acquisition of a mobile film production van fitted with lighting equipment and a generator, a magnetophone for recording sound, and the necessary equipment for developing and printing film strips and photographs on the spot. The services of foreign laboratories, however, will still be necessary for the processing of films. Use of the van will give the organization greater freedom of movement.

8. The team will consist of three foreign experts and a local staff of six.

9. Production aims will remain fundamentally unchanged—to provide for educational information requirements. Nevertheless, since sound can be recorded by means of the magnetophone, limited production of sound films will be possible (the entire process of adding and synchronizing the sound will have to be carried out in a foreign laboratory).

10. Total production during the first year of the second stage might be between ten and twelve reels, including two reels of sound film. With the addition of sound, it will be possible from time to time to produce 16 mm. documentary films and screen magazines. In addition to their use in education, these films could be distributed within the country itself to certain cinemas equipped for the projection of 16 mm. films; in foreign countries, they might find an outlet in the so-called non-commercial market and in television. Income from these forms of distribution, however, will be insignificant.

11. The equipment for the second stage, that is to say, the equipment acquired for the first stage with the necessary additions, will cost some \$US20,000, and the annual outlay

will also be about \$US20,000 (not including expenses connected with the foreign experts, the team's working quarters and the cost of amortization).

12. Beginning with the third stage, the service will be equipped to make 35 mm. films and thus will be able to engage in the regular production of documentary films, as well as educational information films. Through the use of the magnetophone, planned for the second stage, 35 mm. as well as 16 mm. sound films may be produced. As before, the films will have to be treated, developed, printed and synchronized in a foreign laboratory.

13. During this stage, two foreign experts and sixteen local employees will be required.

14. The production of 16 mm. sound or silent education films and film strips will remain the production service's principal objective, but they will also be able to produce some documentaries and screen magazines on 35 mm. or 16 mm. sound film. The various possibilities of distributing the 16 mm. films, apart from their use in education, have already been indicated⁴⁷. The 35 mm. films could be distributed to these cinemas in the producing countries which are equipped to show them and, occasionally, to cinemas abroad. In addition, short newsreel subjects on 35 mm., rather than on 16 mm., film would be likely to interest foreign newsreel companies from time to time. The income from these various forms of distribution may be greater than in the second stage but will still not contribute essentially to the service's budget.

15. The equipment used in the third stage, that is to say, the equipment acquired for the first two stages together with the necessary additions, will cost about \$US40,000; annual expenditure will total some \$US35,000 (not including expenditure for foreign experts, working quarters and amortization).

16. The fourth stage calls for a substantial increase in 16 mm. production equipment, especially through the addition of a complete installation for optical sound recording on 16 mm. film and of laboratory equipment for developing and printing 16 mm. films, and the expansion of transport facilities. This will make the service self-sufficient in so far as the production of 16 mm. film is concerned.

17. Production capacity will be increased. During this stage, three foreign experts will be required and the local staff will be increased to a total of 30-40. Owing chiefly to the installation of a laboratory, bigger premises will be required, as listed under heading D below.

18. As was the case for the third stage, income from distribution is not likely to contribute appreciably to the service's budget.

19. To complete this stage, an additional expenditure of \$US60,000 will be necessary, bringing the total initial investment to \$US100,000. Annual expenditure will range between \$US50,000 and \$US75,000 (not including expenditure for foreign experts, special buildings and amortization).

20. The fifth and final stage, in which the production service becomes completely self-sufficient, is marked by the addition to the laboratories of equipment for the developing, printing, optical sound recording and synchronizing of 35 mm. films, and the expansion of their transport facilities. It is only in this fifth stage that newsreels can be produced. At the same time, through the expansion of the service, production of educational information films and documentary films will be increased. The special building will have to be enlarged. The necessary premises are listed under heading D below and will cover a total area of 600-900 square metres. In tropical or semi-tropical countries, part of the premises (a total area of at least 100 square metres) must be air-conditioned.

21. The income derived from the distribution of the educational information films and documentary films will not be very significant. But in certain conditions, which will be discussed later, it is possible for the income from distribution of newsreels to cover the cost of production.

⁴⁷ See paragraph 10 of this annex.

22. The same team of foreign experts will be required in the fifth stage as in the fourth. The local staff will be increased to a total of 51-60 persons.

23. The additional investment for equipment will range between \$US75,000 and \$US100,000, making a total investment of \$US175,000 to \$US200,000. Annual expenditure will be about \$US125,000 (not including expenditure for foreign experts, the special building and amortization).

24. At this point, three conclusions may be drawn:

(a) A country wishing to establish an organization to produce newsreels must plan for the kind of enterprise outlined in the fifth stage;

(b) A country wishing to produce only educational information films, essentially for domestic use, may confine its activities to the first or second stage but should, if possible, try to reach the third stage;

(c) A country wishing to produce documentary films for more or less regular distribution abroad must plan for an organization somewhere between the third and fourth stages (possessing the equipment for the fourth stage, minus the laboratory equipment for developing and printing 16 mm. films).

25. In view of the practical, and more particularly, the financial problems involved in the establishment (or development) of motion picture enterprises in under-developed countries, there may be an advantage in planning the establishment of these enterprises on a regional basis. For some films, it is difficult to imagine how the script could be drawn up and the shooting carried out on any but a national basis. Local factors and surroundings often play an important part, especially in the case of educational films. Sometimes, however, a film designed for one country can be easily adapted for use in another country having similar problems. In other cases, a film may be suitable for several countries without adaptation. This is especially true of technical subjects.

26. It would also be possible to organize on a regional basis a laboratory to serve several countries at once, either by establishing a new one or by using one of the type envisaged for the fifth stage already installed in one of those countries.

B. List of equipment necessary for a motion picture production service at the different stages of development

Stage 1

1. Two spring-driven, sub-standard 16 mm. cameras with 3 lenses, filters and necessary accessories;
2. Two tripods;
3. Two exposure metres;
4. Butterflies;
5. Two views with take-ups;
6. Three splicers;
7. Accessories, scissors, scrapers, magnifying lenses etc.;
8. Two 16 mm. silent projectors permitting speeds of 16 to 24 frames a second and so designed as to be convertible into sound projectors;
9. Two cameras of the same model for 24×36 mm., 6×6 cm. or $2 \frac{1}{4} \times 3 \frac{1}{4}$ in. pictures;
10. One film-strip projector;
11. One portable screen.

Approximate cost: \$US10,000

Stage 2

1. One production van equipped with:
2. Six lighting units (floodlights);
3. One portable petrol generator;
4. One synchronous magnetophone;
5. One film-strip printer and all the equipment necessary for the developing and printing of film-strips and photographs.

Approximate cost: \$US10,000

Stage 3

1. One motor-driven 16 mm. camera;
2. One spring-driven 35 mm. camera;
3. One motor-driven 35 mm. camera;
4. Lenses, filters and other necessary accessories for the three cameras listed above;
5. Three tripods;
6. One 16 mm. sound projector;
7. One 35 mm. sound projector;
8. One complete set of cutting-room equipment for 35 mm. film.

Approximate cost: \$US20,000

Stage 4

1. One developing machine for negative and positive 16 mm. film, with automatic temperature control;
2. One printer for 16 mm. film capable of printing images and sound tracks;
3. Necessary laboratory accessories; sensitometer, densitometer, take-ups, splicers etc.;
4. One cutting table for 16 mm. sound film;
5. One synchronization table for 16 mm. film, equipped with a frame counter;
6. One sound pick-up for 16 mm. film;
7. One mixing machine with five sound-heads;
8. Two microphones;
9. Two turn-tables;
10. One synchronous 16 mm. projector;
11. Two 16 mm. cameras, each with three lenses, filters and other necessary accessories;
12. Six lighting units (floodlights);
13. Two station wagons;
14. Equipment for one repair shop.

Approximate cost: \$US60,000
(including installation costs)

Stage 5

1. One developing machine for negative and positive 35 mm. film, with automatic temperature control;
2. Two printers for 35 mm. film, capable of printing images and sound tracks;
3. One printer for 16 mm. film;
4. One reduction printer;
5. Necessary laboratory accessories for 35 mm. film; take-ups, splicers etc.;
6. One cutting table for 35 mm. sound film;
7. Two synchronization tables for 35 mm. and 16 mm. film;
8. One sound recorder for 35 mm. film;
9. Two re-recorders for 35 mm. film;
10. Addition of four sound-heads for 35 mm. film to the mixing machine provided for in Stage 3;
11. One synchronous magnetophone;
12. One synchronous 35 mm. projector;
13. Seven 35 mm. cameras;
14. One single-system 16 mm. camera;
15. Lenses, film and other accessories for the cameras listed above;
16. One simple animation table;
17. One van;
18. Three automobiles.

Approximate cost: \$US75,000 to \$US100,000
(including installation costs)

C. Staff required for production services

Stage	Foreign experts		Local staff	
	Each lasting one year	Participating in previous stages	Additional period during which services will be required if no further stage is undertaken	
Stage 1	Director-scenario writer Cameraman Assistant cameraman	— — —	1 year	4 persons, one each to be trained as director, scenario writer, cameraman and cutter
Stage 2	Director-scenario writer Cameraman Electrician	Stage 1 — Stage 1	1 year — —	6 persons: the four required in stage 1, 1 driver-mechanic 1 dark-room assistant
Stage 3	Director-scenario writer Sound engineer	Stages 1-2 —	1 year 1 year	16 persons: 1 director-scenario writer 1 cameraman 4 assistant cameramen 2 sound assistants 2 dark-room assistants 2 electrician-drivers 2 projectionists
Stage 4	Director-scenario writer Sound engineer Laboratory engineer	Stages 1-2 Stage 3 —	1 year 1 year 1 year	30 to 40 persons: the 16 required in Stage 3, laboratory staff, administrative staff
Stage 5	Director-scenario writer Sound engineer Laboratory engineer	Stages 1-4 Stages 3-4 Stage 4	— — 1 year	50 to 60 persons, distributed as in Stage 4 but on a broader basis

D. Accommodation for production services to be provided in the special building

A special building does not become necessary until stages 4 and 5. The following list shows the accommodations required at stage 5,⁴⁸ the figures in brackets showing the accommodation necessary at stage 4.

Laboratory:

- 2 (1) development rooms;
- 1 (1) room for storing and preparing chemicals;
- 3 - 4 (1) printing rooms;
- 1 (1) cutting room;
- 1 (-) projection room;
- 2 (1) film storage vaults;
- 1 (1) office.

⁴⁸ The premises described above for stage 5 will have a total area of 600-900 square metres. In tropical or semi-tropical countries, part of the area (at least 100 square metres) should be air-conditioned.

Sound section:

- 1 (1) recording room;
- 1 (1) synchronization and dubbing room;
- 1 (1) projection room;
- 1 (-) mixing room;
- 1 (1) office.

Production section:

- 1 (1) store-room for cameras and lighting equipment;
- 4 - 5 (2 - 3) cutting rooms;
- 1 (1) dark-room for photographic work;
- 1 (-) animation room;
- 3 - 4 (2 - 3) offices.

Technical section:

- 1 (1) mechanical workshop;
- 1 (-) electrical shop;
- 1 (-) air-conditioning and furnace room;
- 1 (-) store-room.

Administration:

- 5 - 6 (3 - 4) offices.

E. Production services recapitulation

Stage	Type of production	Foreign experts				Local staff: Number
		Investment in dollars	Annual budget in dollars *	Number required at each stage	Number of expert-years if no further stage is undertaken	
1: 16 mm. silent educational films, films strips, slides		10,000	15,000	3	4 years	4
2: As above, plus a few 16 mm. sound educational films, documentaries and screen magazines		20,000	20,000	3	7	6
3: Silent and sound educational films, sound 16 and 35 mm. documentaries and screen magazines, film strips, slides		40,000	35,000	2	10	16
4: As above, but on a broader basis; laboratory operations for 16 mm. film		100,000	50,000-75,000	3	14	30-40
5: As above, but on a still broader basis: newsreels; laboratory operations for 16 and 35 mm. film		175,000-200,000	125,000	3	15	50-60

* Not including costs relating to experts, premises and amortization.

ANNEX II

FILMS DISTRIBUTION

TYPICAL COSTS AND OTHER DATA FOR THE BUDGET OF A
VISUAL MATERIAL DISTRIBUTION CENTRE
(Information furnished by UNESCO)

A. Film library

A film library can begin operating with a minimum of some seventy-five reels of film (projection time, ten minutes) and seventy-five film strips. One-third of these films can probably be obtained free of charge.

The average cost of films is as follows:

Black and white film: US \$50 per copy.

Colour film: US \$100 per copy.

Film strips (about 40 frames): US \$2 - \$3 a copy.

As the distribution service expands, two or more copies of each film and film strip will normally be required. The number of copies needed depends upon the size of the area served by the centre, the number and geographical distribution of the population, the number of showings organized and the number of loans to institutions having their own projectors.

As regards amortization, a film must as a rule be replaced after 200 showings.

The operations of a small film-library can be handled by four people. They will be recruited locally, but in the initial period, which may be as long as one year, a foreign expert should be engaged to train them.

B. Projection service

The service will use two methods of presenting films, film strips and other visual material in the country (or region):

(a) Portable sound projectors for use in built-up areas near a centre and in areas having a power supply;

(b) Cinema vans with complete projection equipment and a petrol generator for use in rural areas.⁴⁹

The approximate cost of this equipment is as follows:

Sound projector (for 16 mm. film): US \$500.

Film-strip projector: US \$75.

Projection screen: US \$50 - 100.

Fully-equipped cinema van: US \$6,000.

(Garage, maintenance and similar costs are, of course, extra.)

Since cinema vans are expensive, station wagons may be used to get the distribution service started if the condition of roads in the area is not too bad. A station wagon can be equipped with projection equipment, generator etc. for about \$1,500.

It is estimated that projectors and cinema vans have a useful life of five years.

At least two persons will be needed on each mobile van:

(a) One mechanic-driver-projectionist;

(b) One commentator.

These people may, and indeed should, be recruited locally. They can be trained locally within a fairly short time.

C. Conclusion

The capital investment required for a projection service equipped with a small film library, one cinema van (or station wagon), film strip and 16 mm. film projectors, may be estimated at \$US10,000 - \$US15,000. Only four or five persons are required to staff a small film library and manage the projection section. Two persons should make up the crew of the cinema van (or station wagon).

ANNEX III

BIBLIOGRAPHY

I. UNITED NATIONS

UNITED NATIONS TECHNICAL ASSISTANCE. Document ST/DPI/SER.A/74.

SERVICES OF THE UNITED NATIONS TECHNICAL ASSISTANCE ADMINISTRATION AND HOW TO OBTAIN THEM. Document ST/TAA/3.

PROGRAMME OF FELLOWSHIPS AND SCHOLARSHIPS. Prepared annually by the United Nations Technical Assistance Administration.

EVALUATION OF THE PROGRAMME OF ADVISORY SOCIAL WELFARE SERVICES 1947-1951. Document E/CN.5/266/Rev.1. United Nations Publication Sales No. 1952. IV.18.

II. TECHNICAL ASSISTANCE BOARD

THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES. Document TAB/1/Rev.1.

III. PUBLICATIONS ISSUED BY UNESCO ***

Mass communications: General

(S) *Adult Education Activities for Public Libraries*, by Carl Thomsen, Edward Sydney and Miriam D. Tompkins. 1950. 102 pages. Illustrations.

The promotion and organization of the adult education activities of public libraries in Denmark, the United Kingdom and the United States of America are fully described by three leaders in this field. Audio-visual techniques, discussion groups, use of radio, individual and group advisory services and contacts with educational bodies are among the subjects discussed.

(S) *Legislation for Press, Film and Radio*, by Fernand Torrou and Lucien Solal. 1951. 420 pages.

A comparative study of the various regulations affecting the Press, radio and film industries. The principal problems examined are the status of the Press, news agencies, radio, film and other professional organizations. Includes a section on limitations on freedom of expression.

(S) *Libraries in Adult and Fundamental Education*, by Cyril O. Houle. 1951. 180 pages. Illustrations.

Part III of this report of the UNESCO Seminar on the Role of Libraries in Adult Education deals with audio-visual methods and techniques and contains the following articles: "The Library as a Centre where Adults Can Avail Themselves of all Communication Media"; "Classification of Slide Films and Motion Pictures"; "Radio and Television in the Adult Education on Programmes of the Louisville Free Public Library"; "Library Discussion Groups"; "Library Exhibitions"; "Recordings Public Libraries".

⁴⁹ There are various types of cinema vans. Some of these are described in detail in the UNESCO publication *The Use of Mobile Cinema and Radio Vans in Fundamental Education*, which was published in 1949 in the series, *Press, Film and Radio in the World Today*.

*** All publications listed are available in both English and French editions. Those whose listing is preceded by an (S) in the margin, are also available in Spanish.

Press, Film, Radio. Reports on the Facilities of Mass Communication. Volumes I, II, III, IV, V and Supplements I and II. 1947-1951.

The *Press, Film, Radio* survey series constitutes a reference work never before compiled, giving a detailed picture of the technical facilities existing in the field of news agencies, the Press, film and radio. The five volumes contain reports on 157 countries and territories.

The news agency reports contain a description and historical survey of news agency activities in each country examined, information on equipment, communication systems, and professional training.

The Press reports include an historical survey, a general description of the structure of the Press, circulation and readership, information on newsprint supply and consumption, equipment and professional training.

The film reports deal with legislation and censorship, professional organizations, the production, distribution and exhibition of entertainment films, children's entertainment films, newsreels, equipment, raw material, professional training, and a detailed analysis of the use of film in education.

The radio reports describe the structure of broadcasting services, programming, equipment in use, reception, and supply of equipment. Tables are provided, showing the number of daily newspapers and their circulation; commercial film exhibition, distribution and production statistics; and the number of radio receivers and transmitters.

Volumes I, II and III also present the conclusions and recommendations of commissions of experts called to examine the data brought out by the surveys.

Press, Film and Radio for Children, by Philippe Bauchard. 1953.

A study of the measures taken by governments, private organisms and the industry concerned to protect children from the harmful influences of the Press, cinema and radio.

- (S) *Study Abroad. International Handbook: Fellowships, Scholarships, Educational Exchange.* Volume V. 1952-53. 436 pages.

Volume V of *Study Abroad* is the continuation for 1952-53 of UNESCO's annual survey of fellowships and similar awards for study abroad. Particulars of fellowships and grants provided by the United Nations and specialized agencies, government, universities, foundations and other institutions for international study, which are listed under "Mass Media" or "Unrestricted" would be of interest to students and specialists desiring training in journalism, audio-visual education, cinema, radio or television. Full details on how to apply for these grants are given.

Trade Barrier to Knowledge. 1951. 168 pages. Appendices.

This manual sets forth the tariff and trade regulations of forty-three countries, affecting the movement of educational, scientific and cultural materials from one country to another. The information on tariff and trade regulations was compiled by the Intelligence Unit of *The Economist*, London. A practical handbook for publishing houses, film libraries, scientific laboratories and all organizations as well as individuals interested in obtaining these materials from abroad, or in sending them to other countries.

World Communications. (Second edition) 1951. 224 pages. Graphs, statistical tables, maps.

This single-volume survey gives a graphic account of the world's facilities for communicating information and ideas by means of the Press, radio, film and television. Illustrated and written in simple, direct fashion, it presents concise data on mass media in more than 170 States and territories. The present edition includes many new entries based on information which became available only during the past year.

Press

- (S) *The Problem of Newsprint and Other Printing Paper*, by the Intelligence Unit of *The Economist*, London. 1949. 112 pages.

A study of the present world situation with regard to the production, distribution and consumption of paper for reading

materials, and an examination of the problems that increased demand will create in the future.

- (S) *Paper for Printing, Today and Tomorrow*, by the Intelligence Unit of *The Economist*, London, 1953.

This volume brings up to date the study undertaken in 1949, of the production, distribution and consumption of paper for reading materials. It also examines the international action taken in this field in recent years, especially the Food and Agriculture Organization's plan for increasing the production of newsprint and other printing paper.

- (S) *Professional Training of Journalists*, by Robert W. Desmond. 1949. 96 pages.

A study of the evolution and present-day organization of training courses for journalists, with recommendations and examples of curricula.

Film

- (S) *The Entertainment Film for Juvenile Audiences*, by Henri Storek. 1951. 240 pages.

Among the most urgent problems of the cinema is the production of entertainment films for juveniles. This book surveys the position in countries where the production of such films is particularly developed, and includes a list of special films available for children.

- (S) *The Film Industry in Six European Countries*, by Film Centre, London, 1951. 156 pages.

A detailed study of the Danish film industry as compared with that in the United Kingdom, France, Italy, Sweden and Norway. Special emphasis is placed on the Danish methods of producing, distributing and exhibiting films, as a key to the solution of film production problems faced by small countries.

- (S) *The Healthy Village.* 1951. 120 pages. Illustrations, colour plates, diagrams.

A report on a one-year experiment carried out in West China in 1949 by UNESCO with the co-operation of the Chinese National Association of the Mass Education Movement. The goal was to make audio-visual aids which could be used in health teaching with a partly illiterate rural population; the theme chosen was "The Healthy Village". The Director's report on the background, administration, financing and other phases of the project are followed by detailed accounts of the work of the Field, Health and Art Departments. The report of Norman McLaren, the technical expert, is profusely illustrated to give a clear explanation of new techniques, such as movable posters and art work direct on film, which were explored by the project. A box of twenty-three selected filmstrips, resulting from the project, with script in mimeographed form, is available for loan to important educational and film production organizations. They have been designed to give specialists the opportunity of studying the work of the China project more closely. The filmstrips, in black and white and in kodachrome, have been chosen as examples of the techniques employed, and not from the point of view of their content or pedagogical qualities.

Newsreels Across the World, by Peter Baechlin and Maurice Muller-Strauss. 1952. 116 pages. Illustrations, graphs.

Covering 50 countries, this is the first world-wide survey yet made of the production, distribution and content of news films and their role in promoting the free flow of information. The report traces the evolution of newsreels, outlines present methods of production and distribution throughout the world and analyses in detail conditions in five countries having typical news film systems, State-owned, mixed and private. Other sections deal with newsreel content, the growth of film magazines and the impact of television.

- (S) *Professional Training of Film Technicians*, by Jean Lods. 1951. 156 pages.

A survey of existing facilities for the training of film technicians in various countries. Granting that the necessity for such training is not generally recognized, the author, nevertheless, gives his reasons why the film worker—by virtue of his responsibilities towards society—must be professionally trained in the techniques of his craft. A bibliography is included.

(S) *The Use of Mobile Cinema and Radio Vans in Fundamental Education*, by Film Centre, London, 1949. 192 pages. Illustrations.

A study of the use of mobile audio-visual units, with recommendations on choice of equipment, training of staff, drawing up of programmes.

(S) *Visual Aids in Fundamental Education*. Some personal experiences. 1952. 168 pages. Illustrations.

As the success of visual aids in fundamental education depends largely on those who are producing and planning their use, UNESCO asked a number of persons from various parts of the world to write about their personal experiences in the field. The result is a collection of 16 "experiences", in each of which the author writes freely and informatively about his work and the people with whom he came in contact.

Radio

(S) *Broadcasting to Schools*. 1949. 212 pages. Tables.

The report of the Advisory Committee on Educational Broadcasting and full reports on the school broadcasting services of the following countries: Australia, Belgium, Brazil, Canada, Chile, Great Britain, India, Mexico, Poland, Sweden, Switzerland, the Union of South Africa and the United States of America.

(S) *Education by Radio: School Broadcasting*, by Roger Clause, 1949, 72 pages.

A study of the organization of school broadcasting services, with particular reference to the limitations and possibilities of radio as an educational medium.

(S) *Low-Cost Radio Reception*, by Claude Mercier. 1950. 120 pages.

This study is intended primarily to assist officials confronted with the problems of organizing broadcasting services in economically under-developed countries. Practical solutions are offered, with technical details where necessary.

(S) *Radio in Fundamental Education*, by J. Grenfell Williams. 1950. 152 pages. Bibliography.

The author, head of the Colonial Service of the British Broadcasting Corporation, analyses experiments undertaken in sixteen countries where radio is used as a medium of education in under-developed areas. Specimens of radio scripts are reproduced, and a provisional budget is outlined for an educational broadcasting service.

(S) *Training for Radio*, by Maurice Gorham. 1949. 106 pages.

An inquiry into the need for formal training for radio programme personnel, with examples of existing facilities and recommendations for action by radio organizations and educational institutions.

Television

Television and Education in the United States, by Charles A. Siepmann. 1952. 131 pages.

This book discusses the general educational aspects of television, and gives examples of interesting programme experiments undertaken in the United States and such preliminary evidence as is available on the effects of such programmes. The data on personnel and costs involved, on training and programming problems, can be of direct value to institutions considering the establishment of a television service.

"Clearing House" series of occasional papers on Press, radio and film

1. *Films and Filmstrips About the Work of the United Nations and Its Specialized Agencies*. 1952. 29 pages. Clearing House, Department of Mass Communication, UNESCO, 19 Avenue Kléber, Paris, 16^e, France.

A descriptive list of films and filmstrips dealing with the structure of the United Nations and its agencies, the need for such international bodies, their work in progress, the results of international action for constructive purposes. Dis-

tribution agencies and United Nations Information Centres are listed in Appendices.

2. *World Film Directory, Agencies Concerned with Educational, Scientific and Cultural Film*. No. 2A AFRICA; No. 2B AMERICA (NORTH, CENTRAL AND SOUTH); No. 2C ASIA AND OCEANIA. 1952. (Nos. 2D and 2E, EUROPE and INTERNATIONAL, to appear shortly). Clearing House, Department of Mass Communication, UNESCO, 19 Avenue Kléber, Paris 16^e, France.

This world directory gives for each country and territory a list of key addresses of agencies and organizations active in the field of educational, scientific and cultural films. Each entry includes a short summary indicating the scope of the activities of the agency or organization concerned.

3. *Films and Filmstrips About Education*, 1952. 17 pages. Clearing House, Department of Mass Communication, UNESCO, 19 Avenue Kléber, Paris 16^e, France.

This is a first compilation of an international list of films and filmstrips on education and educational methods. This paper contains information on the distributors and also a note on UNESCO's Film Coupon and Scientific Material Coupon Schemes.

4. *UNESCO Publications on Mass Communication—An Annotated Bibliography*. 1952. 15 pages. Clearing House, Department of Mass Communication, UNESCO, 19 Avenue Kléber, Paris 16^e, France.

A bibliography of all publications on mass communication issued or sponsored by UNESCO. The list is arranged under main sections by subject: Mass Communications—General; Press; Film; Radio. Items are classified on the basis of the type of publication or document, and the origin, purpose and comparative coverage of each publication is indicated.

5. *Television "An Experiment in Community Reception in French Villages"*. 1952. 11 pages. Clearing House, Department of Mass Communication, UNESCO, 19 Avenue Kléber, Paris 16^e, France.

This paper seeks to point out the particular service which television can render to the community, especially to the village community in regions of low individual income, by offering a detailed description of the organization of groups of viewers, collective purchase of sets, the influence of television and the reactions of rural audiences.

6. *Kerosene Filmstrip and Slide Projectors*. 1952. 18 pages. Clearing House, Department of Mass Communication, UNESCO, 19 Avenue Kléber, Paris 16^e, France.

This is a first effort to catalogue kerosene projectors available internationally. The data provided are based on information supplied by the manufacturers, and do not include evaluative comments. A note is included on UNESCO Coupons for scientific material, which may be used by educational institutions, teachers, and students for the purchase of projectors in many countries.

IV. PUBLICATIONS SPONSORED BY UNESCO

Child Welfare Films. 1950. 214 pages. Illustrations.

An international index of films and filmstrips on the health and welfare of children, prepared by UNESCO and the World Health Organization. Short descriptions and comments were given for each of the 1,000-odd films listed.

Film Centre Educational Pamphlets. Published in collaboration with UNESCO. To obtain, write to Film Centre Ltd., 167-168 Tottenham Court Road, London, W.1.

1. *The Film and Fundamental Education*, by H. F. A. Hughes and Sinclair Road, 20 pages.

The pamphlet contains a very brief account of the development of this aid to educationalists since the early part of the twentieth century. There is a short description of the way fundamental educationalists are using the aid in different parts of the world and particularly a description of some of the present theories of film making for this purpose. Arising from this and in the light of experience, there follows an enumeration of the principles of using these aids. The pamphlet is a practical guide to educationalists and film makers in developing their work.

2. *Film and Filmstrip Projection in Fundamental Education*, by Peter Brinson. 20 pages. Diagrams.

A general technical account of the several methods of projecting films and filmstrips under conditions encountered by fundamental educationalists. It includes a description of equipment available, advice in selecting and buying what is needed (projectors, sound equipment, screens, generators and so on); how to meet the difficulty of inadequate power supply; how to prepare a projector for a show or teaching session; how to maintain the equipment and to guard against deterioration due to climatic or other local difficulties.

3. *Choice and Care of Films in Fundamental Education*, by Peter Brinson. 21 pages.

An account of the principles of film selection, with particular reference to films made specially for use of fundamental educationalists. The pamphlet indicates sources whence films can be obtained in different countries, discussing problems of carriage, currency and film storage under difficult climatic conditions.

4. *Choice and Care of Filmstrips in Fundamental Education*, by George Seager. 19 pages.

The content of this pamphlet is the same as Pamphlet No. 3 applied to filmstrips. In addition, the special problems arising from their production are dealt with.

5. *Film Discussion Groups in Fundamental Education*, by Peter Brinson. 21 pages.

Very little experience is available in fundamental education about such discussion groups. Therefore, this pamphlet examines the experience and development of more advanced groups in Canada, Scotland and the USSR and will relate these experiences to work on fundamental education in China, South American and other areas from which reports are available. From this is developed suggested principles and methods for organizing, running and maintaining discussion groups and other educational film activities.

6. *A Guide to International Film Sources 1951. Guide internationale pour l'approvisionnement en films, 1951.* (English-French edition).

This a guide to the main sources of documentary, educational and scientific films. The selection is restricted to the principal film-producing countries and covers those organizations which are considered to be most useful to potential film users or buyers.

Films from Britain. Published by Her Majesty's Stationery Office for the United Kingdom National UNESCO Commission. London 1952.

Covering one thousand films on educational, scientific and cultural subjects available for sale abroad, this catalogue has been compiled by the British Film Institute. Main entries are arranged under the Universal Decimal Classification. Prices are given in the majority of cases, and the existence of versions in languages other than English is indicated throughout. Roughly two-thirds of the films are on subjects

in pure and applied natural sciences and in the social sciences. Evaluation of quality of films listed has not been attempted.

Films on Art. A specialized study. 1949. 72 pages. 44 illustrations.

The first attempt at a factual and critical introduction to a particularly interesting and comparatively new branch of the cinema. Contains articles on various aspects of "Films on Art", and lists 262 films issued in 14 countries. Reprinted from *Les arts plastiques*, Brussels.

Films on Art - 1950. A specialized study. 1951. 70 pages. 31 illustrations.

Includes, among others, an article on the limits and possibilities of films on art, an appreciation of two British films "Shapes and Forms" and "Looking at Sculpture", and an international directory of more than 300 films on art produced in 21 countries. (These latter are additions to the 262 listed in the 1949 edition). Originally published in *Les arts plastiques*, Brussels.

Films on Art - Panorama 1953, by Francis N. Bolen, with the co-operation of the International Federation of Art Film, and Dennis Forman. 1953. 86 pages. 32 illustrations.

This international catalogue of films on art gives technical data on 729 films from 31 countries. The volume includes an account of the activities of the International Federation of Art Film and two articles: "Films and the visual arts" and "A new dimension in painting".

United States Educational, Scientific and Cultural Motion Pictures and Filmstrips Suitable and Available for Use Abroad. Report of the Panel on Educational Films, Subcommittee on Catalogue, United States National Commission for UNESCO. 1952. Second Edition. Offset. 371 pages. To obtain, write to: Department of State, Review Committee on Visual and Audio Materials, Washington 25, D.C.

Films and filmstrips are listed alphabetically by title as well as in the following subject categories: Education: tools of fundamental education; education for health, medicine, surgery, domestic education; language arts; education through recreation; guidance, training customs; business, economics, manufacturing; government, citizenship; social studies. International understanding: United Nations, specialized agencies, regional intergovernmental organizations; communications, media and communications; international migration; intergroup understanding. Science: astronomy; biology; botany; chemistry; geography; geology, mining, metallurgy, mathematics; physics. Useful arts: agriculture; engineering; fishery, trapping, etc. Fine Arts: architecture; dance; drama; drawing; decoration, design; engraving, lithography; landscape and civic art; music; painting; photography; film as art; plastic arts. The following information is given for each film; title, date of production, source and conditions of availability; length in minutes; short description of contents.

DOCUMENT E/2584

Report of the Social Committee

[Original text: English and French]
[28 April 1954]

1. The Social Committee, under the chairmanship of the Second Vice-President of the Council, Mr. Jirí Nosek (Czechoslovakia), considered at its 266th to 268th and 271st to 274th meetings (E/AC.7/SR.266 to 268 and 271 to 274), held on 19, 20, 22, 26 and 27 of April 1954, item 12 (b) of the agenda of the Council referred to it by the Council at its 774th meeting, held on 13 April 1954.

2. The Committee had before it the following documents: E/2534, E/AC.7/L.206, E/AC.7/L.206/Rev.1, E/AC.7/L.211 and Corr.1, E/AC.7/L.211/Rev.1 and E/AC.7/L.214.

3. The Committee adopted the attached draft resolution by 17 votes to none, with 1 abstention.

4. The Committee recommends that it be adopted by the Council.

The Economic and Social Council,

Noting the report of the Secretary-General (E/2534) on the subject of the encouragement and development of independent domestic information enterprises, and those portions of the Rapporteur's report on freedom of information (E/2426) which relate to this problem,

Recalling Economic and Social Council resolution 442 E (XIV) of 13 June 1952 and General Assembly resolution 633 (VII) of 16 December 1952,

1. *Decides* to draw the attention of governments to the suggestions for action contained in chapter VIII of the Secretary-General's report (E/2534);

2. *Invites* the governments of the under-developed countries, separately or jointly, to study the possibility of encouraging the development of existing and the establishment of new or additional independent radio broadcasting facilities, news agencies, and other information enterprises; and suggests that for this purpose they should consult, as appropriate, with national, regional or international professional associations and information enterprises, and

Draws the attention of these governments to the possibility of seeking technical assistance for these purposes from the United Nations, the specialized agencies, and other inter-governmental organizations, and specifically to Economic and Social Council resolution 522 F (XVII) of 29 April 1954 and Economic and Social Council resolution 522 J (XVII) of 29 April 1954;

Draws the attention of the United Nations and the specialized agencies to the desirability of continuing to

give due prominence in their publications and films to information about countries whose domestic information enterprises are unable to reach a foreign public;

Recommends that the United Nations Educational, Scientific and Cultural Organization, to the extent that available resources and existing priorities permit,

(a) Intensify its activities with a view to increasing its aid to governments desiring to encourage the development of independent domestic information enterprises;

(b) Provide, at the request of governments and upon approval of plans for the establishment or development of independent domestic information enterprises, the services of experts to assist

(i) In the development of such enterprises;

(ii) In the training of technicians and professional workers for information, Press, radio and cinema enterprises according to the particular needs of each country;

(c) Continue its work of research and documentation in order to enable under-developed countries to profit by the experience of countries with a high level of technical advancement, and to undertake and promote research likely to encourage the development and raise the efficiency of independent domestic information enterprises.

(c) Production and distribution of newsprint and printing paper: report by the Secretary-General under Council resolution 423 (XIV)

DOCUMENT E/2543

Report of the Secretary-General

*[Original text: English]
[12 February 1954]*

1. At its fourteenth session, the Economic and Social Council considered a report prepared by the Secretary-General (E/2241) on the activities which various international agencies had undertaken by 30 June 1952 in response to recommendations of the Council concerning the long-term situation in the production and distribution of newsprint and printing paper (Council resolution 374 (XIII)). On 22 July 1952, the Council adopted resolution 423 (XIV), requesting the Secretary-General and the specialized agencies to continue their efforts in this field; it also requested the Secretary-General to continue to co-ordinate those efforts and to report to the Council in 1954 unless other developments justified the preparation of a report within a shorter period. The present report, submitted in accordance with the Council's request, gives a brief account of the activities in this field since July 1952.

Food and Agriculture Organization of the United Nations

2. The Food and Agriculture Organization of the United Nations has intensified its activities, both under its regular programme and under the Expanded Programme of Technical Assistance, looking towards a solution of the long-term problems of newsprint and printing paper. In response to governmental requests, survey teams have visited twenty-two countries to enquire into the possibilities of developing their pulp and paper industries. In December 1952, a number of the world's leading specialists in pulp and paper were invited to a consultation

in Rome. An account of their findings was published under the title, "Raw Materials for More Paper".⁵⁰ As a result of the discussions at this meeting, the Food and Agriculture Organization established a pulp-testing panel.

3. In collaboration with the United Nations agencies concerned with the problem, the Food and Agriculture Organization is currently preparing a comprehensive survey of world pulp and paper resources and prospects. A preliminary summary of this survey was submitted to the seventh session of the FAO Conference, in November 1953, which adopted a resolution recommending:

"... that governments in Latin America, Africa, the Far East and the Near East give active consideration to the establishment of new pulp and paper capacity, especially in the light of the suggestions contained in FAO's world survey and based on the findings of the organization's survey missions;

"... that governments continue to explore, where desirable with FAO's assistance, further prospects for new pulp and paper production centres, especially in view of the continuing increase in requirements that may be expected;

"... that governments and private investors, prior to engaging funds and efforts on the building of new factories, undertake thorough investigations in each

⁵⁰ Food and Agriculture Organization of the United Nations, *Forestry and Forest Products, Study No. 6*.

case about prospective markets, production costs, suitability and continuity of the supply of raw materials and the availability of water, power, chemicals, communication facilities, etc., at reasonable cost"; and inviting

"the Director-General to continue his studies with regard to the world's pulp and paper developments, to assist governments both under the regular programme and the expanded technical assistance programme in developing new pulp and paper capacity and to help them reduce in that connexion the risk of misinvestments through prior study and investigation."

4. The Conference also requested the Director-General to transmit the comprehensive survey of the world's pulp and paper prospects and resources to the Economic and Social Council when completed. It is planned that this survey, in addition to dealing with the activities of United Nations organs and specialized agencies in this field, will assess future trends in world requirements for pulp and paper, review the available resources and summarize the technical progress which has been made in recent years in enabling such resources to be utilized. It will deal especially with economic and technical problems to be faced in developing pulp and paper industries in the less developed regions and will record the main findings of the twenty-two pulp and paper survey missions which have been sent to various countries by the Food and Agriculture Organization.

United Nations Educational, Scientific and Cultural Organization

5. The United Nations Educational, Scientific and Cultural Organization has continued to bring to the attention of governments and the public the need to ensure adequate supplies of newsprint and printing paper over the long term. It has pointed out that shortages of newsprint and printing paper could be serious obstacles to the educational and cultural advancement of economically under-developed areas. The organization has completed the collection and analysis of information on the production, distribution and consumption of newsprint and printing paper and future requirements for these, based on the replies of governments to the questionnaire sent in 1952. The preliminary result was included in a report sponsored by the United Nations Educational, Scientific and Cultural Organization in co-operation with the Food and Agriculture Organization, and published in April 1953 under the title *Paper for Printing, Today and Tomorrow*, and a further report is scheduled for publication in June 1954.

International Bank for Reconstruction and Development

6. In November 1952, the Bank lent 18 million Swedish kronor (equivalent to about \$US3,500,000) to the Bank of Finland to finance the purchase from Sweden of equipment needed to expand the production, among other wood products, of chemical pulp and newsprint. Out of a loan in European currencies made to Yugoslavia in February 1953, the equivalent of \$US4,700,000 was for constructing an integrated pulp and kraft paper-mill. In September 1953, a loan of \$20 million was made to Chile to help finance the construction of a chemical pulp mill and one for newsprint. The new plants not only will eliminate the need to import newsprint and paper, but will produce a surplus of these products for export.

7. At the request of member governments, the Bank sent general survey missions to certain countries to make recommendations for long-term development programmes. Most of these missions, including those organized in collaboration with the Food and Agriculture Organization, reported the need for improvement in forestry, in re-

afforestation and in forest industries. In some cases the report mentioned the possibilities for establishing or expanding pulp and paper industries. Multi-purpose forest utilization projects were recommended in both Chile and Colombia.

Economic Commission for Europe

8. The Timber Committee of the Economic Commission for Europe, jointly with the FAO European Forestry Commission, published early in 1953 a study, *European Timber Trends and Prospects*,⁵¹ covering the long-term aspects of timber problems, including the demand for pulp and paper in the region and their supply.

9. In March 1953, at its eighth session, the Economic Commission for Europe commended this study as constituting a basis for further discussion on fundamental development problems in this important sector of European economy. In June 1953, a joint FAO/ECE working party of experts considered the implications of the study. Later, in October 1953, a joint meeting of the ECE Timber Committee and the FAO European Forestry Commission was held, attended by representatives of twenty-three countries. Unanimous agreement was reached on a number of measures designed to increase European timber supplies, both for short-term needs and for the long run, in order to meet the expected rise in European requirements—which was likely to be especially marked in the pulpwood sector—and also to enable Europe to maintain its traditional exports of pulp and paper to other regions.

Economic Commission for Latin America

10. The Economic Commission for Latin America, in collaboration with the Food and Agriculture Organization of the United Nations, completed in 1953 and published in early 1954 its study of *Possibilities for the Development of the Pulp and Paper Industry in Latin America*.⁵² The findings of the study, issued in a preliminary version, had been considered by the Economic Commission for Latin America at its fifth session in Rio de Janeiro, in April 1953, when a resolution was adopted in this connexion, recommending that research undertaken in conjunction with the Food and Agriculture Organization and other specialized agencies interested in the subject be continued so as to determine the possibilities in the region of (a) utilizing tropical and sub-tropical woods for pulp and paper industries; (b) establishing other forest industries integrated with the pulp and paper industry; (c) finding domestic or foreign markets for pulp, paper and related products; and (d) utilizing bagasse and other industrial and agricultural by-products for pulp and paper manufacturing. Under the joint sponsorship of the Economic Commission for Latin America, the Technical Assistance Administration and the Food and Agriculture Organization, a meeting of Latin American government officials and industrialists, and leading specialists in the pulp and paper field from other parts of the world, is to be held in Latin America in September 1954.

Technical Assistance Administration

11. The Technical Assistance Administration pulp and paper project in the Philippines was enlarged in October 1952, when it became a joint activity with FAO participation. Studies undertaken in connexion with this project cover logging and transportation of material, the suitability of available materials for pulp and paper

⁵¹ United Nations publication, Sales No.: 1953.II.E.3.

⁵² United Nations publication, Sales No.: 1953.II.G.2.

manufacture, and also economic aspects. An existing paper mill is being placed in working order following the installation of new equipment. An expert was also recruited to assist in developing the newsprint and mechanically coated paper printing industry of East Pakistan, and an expert in the manufacture of hand-made paper was sent to Burma. In addition, the services of an expert in technological research relating to the paper industry have been made available to Israel. Under the regular and the expanded programme of technical assistance, a number of fellowships have been awarded for study of the pulp and paper industry.

Co-ordination

12. In accordance with the request of the Council regarding co-ordination, the Secretary-General has maintained continued contact with the agencies concerned and has kept each of them informed of the activities of the others with a view to improving the long-term situation. Substantial aid in assuring co-ordination was given by the Food and Agriculture Organization of the United Nations, which maintains close contact in this matter with the United Nations Educational, Scientific and Cultural Organization and the regional economic commissions.

DOCUMENT E/2586

Report of the Economic Committee

[Original text: English]
[28 April 1954]

1. The Economic Committee, under the chairmanship of the First Vice-President of the Council, Sir Douglas Copland (Australia), considered at its 157th and 158th meetings (E/AC.6/SR.157 and 158) held on 28 April 1954, item 12 (c) of the agenda of the Council together with chapter V, section M and draft resolution 6 contained in chapter VI of the report of the Rapporteur on Freedom of Information (E/2426), referred to it by the Council at its 774th plenary meeting.

2. The Committee had before it the following documents: E/2543, E/L.587 (draft resolution), E/AC.6/L.92, E/AC.6/L.101, E/AC.7/L.196 (referred to the Economic Committee by the Social Committee), E/2426, chapter V, section M, and draft resolution 6 in chapter VI.

3. The Committee adopted by 17 votes in favour, none against, with 1 abstention, the draft resolution set forth in paragraph 4 below.

4. The Committee recommends the following draft resolution for adoption by the Council:

Draft resolution

FREEDOM OF INFORMATION PRODUCTION AND DISTRIBUTION OF NEWSPRINT

The Economic and Social Council,

Taking into account the valuable work being done by the Food and Agriculture Organization of the United Nations in co-operation with the United Nations and the other agencies interested in seeking a long-term solution of the newsprint problem,

1. *Notes with satisfaction the studies which are being undertaken by the Economic Commission for Latin America in co-operation with the Food and Agriculture Organization of the United Nations and the Technical Assistance Administration and other related organizations for the development of the paper and pulp industry in Latin America, and also the proposal to convene a meeting of experts on important aspects of the industry at Buenos Aires, in September 1954, under the auspices of the Economic Commission for Latin America, the Technical Assistance Administration and the Food and Agriculture Organization of the United Nations;*

2. *Recommends to the Food and Agriculture Organization of the United Nations that it continue to pay due attention to requests by governments for the provision of services and advice on pulp and newsprint, especially with a view to, *inter alia*, the systematic expansion of production capacity when conditions will ensure efficient production, not only within the scope of the Expanded Programme of Technical Assistance, but also as part of its regular programme;*

3. *Further recommends that the United Nations and, in particular, the Technical Assistance Administration and the regional economic commissions, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Bank for Reconstruction and Development and other interested agencies continue to co-operate in seeking new measures to deal with the newsprint problem, with particular attention to the possible utilization of new material, as well as available raw materials and the position of the spot market consumer of newsprint.*

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
(a) Report of the Rapporteur on Freedom of Information			
E/2426	Freedom of Information, 1953—Report submitted by Mr. Salvador P. López, Rapporteur on Freedom of Information		Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 12
E/2426/Add.1	Supplementary report submitted by Mr. Salvador P. López, Rapporteur on Freedom of Information		Ibid., Supplement No. 12 A

Document No.	Title	Page	Observations and references
E/2426/Add.2	Communication dated 21 January 1954 from the Permanent Representative of Ecuador to the United Nations, addressed to the Rapporteur on Freedom of Information		<i>Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 12 A</i>
E/2426/Add.3	Communication from the Permanent Delegation of Turkey to the United Nations, addressed to the Rapporteur on Freedom of Information		<i>Ibid.</i>
E/2426/Add.4	Financial implications of draft resolution No. 12 submitted by the Rapporteur on Freedom of Information (E/2426, chapter VI) — Estimate submitted by the Secretary-General		<i>Ibid.</i>
E/2426/Add.5	Communication dated 21 April 1954 from the Permanent Delegation of Greece to the United Nations, addressed to the President of the Economic and Social Council		<i>Ibid.</i>
E/2427 and Add.1 and 2	Comments and suggestions of governments transmitted for the information and assistance of the Rapporteur on Freedom of Information	1	
E/2439 and Add.1	Summary of comments and suggestions received by the Rapporteur on Freedom of Information from information enterprises and national and international professional associations		Mimeographed documents only
E/2447 (E/CN.4/689)	Report of the Commission on Human Rights (ninth session)		<i>Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 8</i>
E/2535	Communication dated 19 January 1954 from the Deputy Permanent Representative of the Union of South Africa to the Secretary-General		Mimeographed document only
E/2583	Report of the Social Committee	20	
E/2586	Report of the Economic Committee	49	See item 12 (c)
E/L.587 and Corr.1, 2 and 3	France: draft resolutions	23	
E/AC.7/L.193 and Add.1	Draft resolution recommended by the Rapporteur on Freedom of Information concerning the encouragement and development of independent information enterprises		Mimeographed documents only
E/AC.7/L.194	United States of America: draft resolutions on technical assistance in freedom of information		Mimeographed document only
E/AC.7/L.195	United Kingdom of Great Britain and Northern Ireland: amendments to draft resolution VI submitted by France (E/L.587)		Ditto
E/AC.7/L.196	United States of America: amendments to the draft resolutions submitted by France (E/L.587)		Ditto
E/AC.7/L.197	Union of Soviet Socialist Republics: amendment to draft resolution VI submitted by France (E/L.587)		Ditto
E/AC.7/L.198	Union of Soviet Socialist Republics: amendment to draft resolution II submitted by France (E/L.587)		Ditto
A/AC.7/L.199	Union of Soviet Socialist Republics: amendments to draft resolution X submitted by France (E/L.587)		Ditto
E/AC.7/L.200 and Add.1	Working paper prepared by the Secretariat		Mimeographed documents only
E/AC.7/L.201	Argentina and Ecuador: amendments to draft resolution I submitted by France (E/AC.7/L.200)		Mimeographed document only
E/AC.7/L.202	United States of America: amendment to draft resolution I submitted by France (E/AC.7/L.200)		Ditto
E/AC.7/L.203	Australia: proposal		Ditto
E/AC.7/L.204	Turkey: amendment to draft resolution I submitted by France (E/AC.7/L.200)		Ditto
E/AC.7/L.205	Australia and Turkey: amendment to draft resolution IX submitted by France (E/AC.7/L.200)		Ditto
E/AC.7/L.209	Draft report of the Social Committee		Same text as E/2583
E/AC.7/L.209/Add.1	Financial implications of the draft resolutions submitted by the Social Committee (E/AC.7/L.209) — Estimate submitted by the Secretary-General		Mimeographed document only
E/CN.4/Sub.1/140	Study of the law and practice covering the status and work of foreign news personnel and measures to facilitate the work of such personnel — Memorandum prepared by the Secretary-General		Ditto
E/CN.4/Sub.1/148	Study relating to the definition and identification of foreign correspondents — Memorandum prepared by the Secretary-General		Ditto

Document No.	Title	Page	Observations and references
E/RESOLUTION (XVII)/17, draft resolutions A to J	Resolutions adopted by the Economic and Social Council at its 788th meeting, on 29 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 522 A to J (XVII)</i>
(b) Encouragement and development of independent domestic information enterprises			
E/2534	Report of the Secretary-General	24	
E/2584	Report of the Social Committee	46	
E/AC.7/L.206	France and Turkey: draft resolution		Mimeographed document only
E/AC.7/L.206/Rev.1	France and Turkey: revised draft resolution		Ditto
E/AC.7/L.211 and Corr.1	Egypt: draft resolution		Ditto
E/AC.7/L.211/Rev.1	Egypt, France, Turkey and United States of America: revised draft resolution		Ditto
E/AC.7/L.214	Argentina, Cuba, Ecuador and Venezuela: amendment to the revised draft resolution submitted by Egypt, France, Turkey and United States (E/AC.7/L.211/Rev.1)		Ditto
E/RESOLUTION (XVII)/17, draft resolution K	Resolution adopted by the Economic and Social Council at its 789th meeting, on 29 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 522 K (XVII)</i>
(c) Production and distribution of newsprint and printing paper: report by the Secretary-General under Council resolution 423 (XIV)			
E/2241	Report by the Secretary-General		Mimeographed document only
E/2543	Report of the Secretary-General	47	
E/2586	Report of the Economic Committee	49	Concerns also part of item 12 (a)
E/L.587 and Corr.1, 2 and 3	France: draft resolutions	23	Draft resolution VIII concerns item 12 (c)
E/AC.6/L.92	Cuba: amendment to draft resolution VIII submitted by France (E/L.587)		Mimeographed document only
E/AC.6/L.101	France: revised draft resolution		Ditto
E/RESOLUTION (XVII)/17, draft resolution L	Resolution adopted by the Economic and Social Council at its 789th meeting, on 29 April 1954		<i>Official Records of the Economic and Social Council, Supplement No. 1, resolution 522 L (XVII)</i>



Agenda item 13: Allegations regarding infringements of trade-union rights

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DOCUMENT E/2547**Note by the Secretary-General**

[Original text: French]

[19 February 1954]

1. By its resolution 503 (XVI) the Economic and Social Council requested the Secretary-General to "transmit to the governments concerned the allegations regarding infringements of trade-union rights contained in documents E/2434 and E/2464". Document E/2464 concerning the implementation of Council resolutions 474 B, C and E (XV) contained a note by the Secretary-General on the attitude of the Governments of the Union of Soviet Socialist Republics, Romania, the Saar and Spain, which are States or territories not members of the International Labour Organisation, with respect to earlier allegations regarding them. Document E/2434 contained a new allegation relating to Spain.

2. In *notes verbales* dated 5 and 6 August 1953 respectively, the Secretary-General transmitted document E/2464 to the Governments of the Union of Soviet Socialist Republics and Romania. The Secretary-General has not yet received a reply to these communications.

3. Document E/2464 was also transmitted to the competent authorities of the Saar by means of a *note verbale*

dated 7 August 1953 addressed to the French Minister of Foreign Affairs. The reply and the additional observations of the Minister of Labour and Welfare of the Saar may be found in documents E/2529 and E/2529/Add.1, which have been submitted to the Council at its seventeenth session.

4. Document E/2464 referred *inter alia* to allegations relating to Spain which the Secretary-General had transmitted to the Spanish Government in a *note verbale* dated 8 May 1953. In a *note verbale* dated 8 July 1953, the Spanish Ministry of Foreign Affairs asked the Secretary-General for certain explanations in order to be able to reply to his note of 8 May 1953. The Secretary-General supplied the explanations requested but so far no further reply has been received from the Spanish Government. Document E/2434, containing a new allegation relating to Spain and submitted to the Council at its sixteenth session was transmitted to the Spanish Government in a *note verbale* by the Secretary-General dated 22 October 1953. The Secretary-General has not yet received a reply to this note.

DOCUMENT E/L.601**United States of America: draft resolutions**

[Original text: English]

[27 April 1954]

A

The Economic and Social Council,

Recalling that the Secretary-General, on 8 December 1950, addressed a communication to the Government of the USSR asking for its consent to make a referral to the Fact-Finding and Conciliation Commission, pursuant

to resolution 277 (X), of allegations of violation of trade-union rights within its boundaries, submitted by the International Confederation of Free Trade Unions.

Noting that, after failure of the Government of the USSR to reply to this communication, the Secretary General, on 19 March 1951 and on 28 August 1952, in

response to Council resolutions 351 (XII) and 444 (XIV), again invited the USSR to reply to the communication addressed to it,

Noting that the Secretary-General again addressed a communication to the USSR on 5 August 1953, pursuant to Council resolution 474 (XV), asking that the USSR reconsider its attitude and co-operate in this matter,

Noting that no reply had been received to these invitations.

Considering that Council resolution 277 (X) provides that "if such consent is not forthcoming the Council will give consideration to such refusal with a view to taking any appropriate alternative action designed to safeguard the rights relating to freedom of association involved in the case",

1. Expresses its regret and its deep concern over the fact that the government of the USSR had not replied to the serious charges made against it;

2. Requests the Secretary-General to distribute to the Governments of all States Members of the United Nations and to make public a report containing (a) the allegation, (b) the supporting evidence, (c) the correspondence between the Secretary-General and the USSR, and (d) the debates and resolutions of the Council with respect to the case.

[For the text of draft resolution B see resolution 523 A (XVII).]

[For the text of draft resolution C see resolution 523 B (XVII).]

DOCUMENT E/L.601/Add.1

Financial implications of draft resolution A submitted by the United States (E/L.601): estimate submitted by the Secretary-General

[Original text: English]
[27 April 1954]

The operative part of draft resolution A (E/L.601) calls for the preparation and distribution to the Governments of Member States of a report on allegations regarding infringements of trade-union rights. The adoption of this resolution would entail additional costs only for the printing of the report in three languages, estimated at \$US1,800.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
E/2154 and Add.1	Communications containing allegations of infringements of trade-union rights		Mimeographed documents only
E/2333 and Add.1	Allegations regarding infringements of trade-union rights received under Council resolution 277 (X)		Ditto
E/2498	Letter dated 27 June 1953 from the International Confederation of Free Trade Unions to the Secretary-General		Mimeographed document only
E/2529	Reply by the Government of the Saar to an allegation against it (E/2333/Add.19)		Ditto
E/2529/Add.1	Additional observations by the Government of the Saar concerning an allegation against it (E/2333/Add.19)		Ditto
E/2547	Note by the Secretary-General	1	
E/L.601	United States of America: draft resolutions	1	
E/L.601/Add.1	Financial implications of draft resolution A submitted by the United States (E/L.601) — Estimate submitted by the Secretary-General	2	
E/RESOLUTION (XVII)/14	Resolutions adopted by the Economic and Social Council at its 788th meeting, on 29 April 1954		Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 523 (XVII)



ECONOMIC AND SOCIAL COUNCIL

ANNEXES

OFFICIAL RECORDS

SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 14: Forced labour: reports of the "Ad Hoc" Committee on Forced Labour

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Document No.	Title	Page
E/L.588/Rev.1/Add.1	Financial implications of the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1) and of the amendments submitted by Cuba (E/L.590): Estimate submitted by the Secretary-General	1
E/L.590	Cuba: amendments to the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1)	2
E/L.599	Yugoslavia: amendments to the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1)	2
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DOCUMENT E/L.588/Rev.1/Add.1

Financial implications of the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1) and of the amendments submitted by Cuba (E/L.590): Estimate submitted by the Secretary-General

[Original text: English]
[26 April 1954]

1. This statement covers the possible financial implications which would result from the adoption of the revised joint draft resolution (E/L.588/Rev.1) and from the adoption of the Cuban amendments (E/L.590).

2. In paragraph 5 of the revised joint draft resolution (E/L.588/Rev.1) the Secretary-General is requested, and the Director-General of the International Labour Office is invited, to prepare jointly a report for the nineteenth session of the Council dealing with the question of forced labour, as set out in sub-paragraphs (a) and (b). The Secretary-General believes that the resulting substantive work devolving upon the United Nations would be absorbed within the existing establishment. It is not known at this stage what the volume of information received may be and no financial estimate of documentation and translation requirements can therefore be given. It is assumed that the report would be reproduced internally and that no printing costs would arise. It is not foreseen at this time that personal consultation, other than by correspondence, will be required with the International Labour Organisation in connexion with the joint preparation of the report. Should this become necessary, however, the travel and subsistence costs of one staff member are not expected to exceed \$US1,150.

3. Point 1 of the Cuban amendments (E/L.590) contains a recommendation that the General Assembly should

request the Economic and Social Council to appoint a rapporteur familiar with problems of forced or "corrective" labour to receive replies from governments which have not yet submitted them, to ask those governments to furnish information in response to the request addressed to them by the *Ad Hoc* Committee, to receive evidence and information from specialized agencies and non-governmental organizations with consultative status and to report to the Economic and Social Council and the International Labour Organisation.

4. The adoption of this amendment would entail additional financial implications in respect of the travel and subsistence of the Rapporteur, it being assumed, in accordance with General Assembly resolution 677 (VII), that no payment of a remuneration would be made. On the assumption that the Rapporteur would spend four weeks at Headquarters in connexion with his work, the costs are estimated as follows:

	US dollars
Travel, one round trip to Headquarters	1,000.
Subsistence for 30 days at \$25 a day	750
	1,750

The situation with respect of documentation and translation and reproduction of the report would be as described in paragraph 2 above.

DOCUMENT E/L.590

Cuba: amendments to the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1)

[Original text: Spanish]
[14 April 1954]

1. Replace paragraph 5 of the joint draft resolution by the following text:

"5. *Recommends* that the General Assembly should request the Economic and Social Council to appoint a Rapporteur familiar with problems of forced or 'corrective' labour to receive replies from governments which have not yet submitted them, to ask those governments to furnish information in response to the request addressed to them by the *Ad Hoc* Committee, to receive evidence and information from specialized agencies and non-governmental organizations with consultative status and to report to the Economic and Social Council and the Organization."

2. Insert the following paragraph as paragraph 6:

"6. *Invites* the Economic and Social Council and the International Labour Organisation, in view of the urgency of the question, to examine the report of the Rapporteur on Forced Labour at their respective next sessions."

3. Re-number the existing paragraph 6 of the joint draft resolution as paragraph 7, leaving the text unchanged.

DOCUMENT E/L.599

Yugoslavia: amendments to the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1)

[Original text: English]
[23 April 1954]

1. Between paragraphs 3 and 4 insert the following paragraph:

"*Declares* that any law or administrative practice, or any private measure which prescribes or tolerates forced or compulsory labour as defined in article 8 of the draft covenant on civil and political rights is contrary to the principles of the United Nations Charter and the Universal Declaration of Human Rights;"

2. At the end of paragraph 4 add the following text:

"with a view to eliminating such legal provisions and such practices which prescribe or tolerate forced labour,

"*Invites* governments to submit to the Secretary-General a report on measures taken in pursuance of this resolution;"

3. At the end of paragraph 5 (a) add the words: "... and this resolution."

4. Delete paragraph 5 (b).

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
E/1988	Report of the <i>Ad Hoc</i> Committee on Slavery (second session)		Official Records of the Economic and Social Council, Thirteenth Session, Annexes, agenda item 21
E/2153 (E/AC.36/10)	First progress report of the <i>Ad Hoc</i> Committee on Forced Labour to the Economic and Social Council and to the Governing Body of the International Labour Office		Mimeographed document only
E/2276 (E/AC.36/13)	Second progress report of the <i>Ad Hoc</i> Committee on Forced Labour to the Economic and Social Council and to the Governing Body of the International Labour Office	Ditto	
E/2341 (E/AC.36/15)	Third progress report of the <i>Ad Hoc</i> Committee on Forced Labour to the Economic and Social Council and to the Governing Body of the International Labour Office	Ditto	

Document No.	Title	Page	Observations and references
E/2431	Report of the <i>Ad Hoc</i> Committee on Forced Labour		Joint UN and ILO document <i>Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 13, and No. 36 in the Studies and Reports (New Series) of the International Labour Office</i>
E/2431/Add.1	Comments and observations of the Government of Chile on a communication from the <i>Ad Hoc</i> Committee on Forced Labour		Mimeographed document only
E/2431/Add.2	Decisions of the Governing Body of the International Labour Office		Ditto
E/2431/Add.3	Communication dated 3 December 1953 from the Director-General of the International Labour Office to the Secretary-General		Ditto
E/2431/Add.4 and Corr.1	Communication dated 22 January 1954 from the delegation of the Union of Soviet Socialist Republics to the Secretary-General		Ditto
E/2431/Add.5	Observations of the Government of the Union of South Africa on the report of the <i>Ad Hoc</i> Committee on Forced Labour (E/2431)		Ditto
E/2431/Add.6	Communication dated 10 March 1954 from the Permanent Delegation of Czechoslovakia to the Secretary-General		Ditto
E/2431/Add.7	Communication dated 1 March 1954 from the Permanent Delegation of the Polish People's Republic to the Secretary-General		Ditto
E/2431/Add.8	Observations of Venezuela on a communication from the <i>Ad Hoc</i> Committee on Forced Labour		Ditto
E/2540/Add.4	Letter dated 9 April 1954 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General		<i>Official Records of the Economic and Social Council, Seventeenth Session, Annexes, agenda item 15</i>
E/L.588/Rev.1	Ecuador, France, Norway, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution		Same text as E/RESOLUTION (XVII)/16
E/L.588/Rev.1/Add.1	Financial implications of the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1) and of the amendments submitted by Cuba (E/L.590) — Estimate submitted by the Secretary-General	1	
E/L.590	Cuba: amendments to the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1)	2	
E/L.599	Yugoslavia: amendments to the revised draft resolution submitted by Ecuador, France, Norway, Turkey, United Kingdom and United States (E/L.588/Rev.1)	2	
E/RESOLUTION (XVII)/16	Resolution adopted by the Economic and Social Council at its 787th meeting, on 27 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 524 (XVII)</i>



ECONOMIC AND SOCIAL COUNCIL

ANNEXES

OFFICIAL RECORDS

SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 15: Slavery: (a) Report by the Secretary-General on consultations concerning the desirability of a supplementary convention on slavery and its possible contents; (b) Supplementary report by the Secretary-General under Council resolution 475 (XV), paragraph 8

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E/2540	Consultations concerning the desirability of a supplementary convention on slavery and its possible contents—Report of the Secretary-General	1
E/2540/Add.1	Letter dated 25 February 1954 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General	6
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E/2540/Add.3	Letter dated 6 April 1954 from the Director-General of the International Labour Office to the Secretary-General	8
E/2540/Add.4	Letter dated 9 April 1954 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General	9
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E/L.602	United States of America: amendment to draft resolution A submitted by the Social Committee (E/2585)	12
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E/L.604	Australia, Belgium and the United States of America: amendment to draft resolution A submitted by the Social Committee (E/2585)	12
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DOCUMENT E/2540

**Consultations concerning the desirability of a supplementary convention on slavery and its possible contents
— Report of the Secretary-General**

[Original text: English, French and Spanish]
[11 February 1954]

Note. The Secretary-General of the United Nations has the honour to communicate to the Economic and Social Council herewith his report on consultations concerning the desirability of a supplementary convention on slavery and its possible contents, submitted pursuant to paragraph 4 of Council resolution 475 (XV) of 27 April 1953.

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SECTION II: Possible contents of a supplementary convention	14-16	3
SECTION III: Other comments contained in the replies of governments ...	17-20	5

INTRODUCTION

1. On 27 April 1953 the Economic and Social Council adopted resolution 475 (XV), paragraph 4 of which reads as follows:

"Requests the Secretary-General to consult the Governments of all States, both Members and non-Members of the United Nations, concerning the desirability of a supplementary convention and its possible contents, at the same time communicating to them the proposals of the Committee of Experts contained in its recommendation B (E/1988) and to report to the Council, if possible at its first regular session in 1954."

2. In accordance with the Council's request, the Secretary-General addressed a communication on 18 June 1953 to the Governments of all States, both Members and non-Members of the United Nations, drawing their attention to the part of the resolution reproduced in paragraph 1 above and requesting them to submit their comments.

3. Two annexes were attached to the above-mentioned communication: the text of the International Slavery Convention of 1926¹ and the text of recommendation B of the *Ad Hoc* Committee on Slavery (E/1988). The Secretary-General also enclosed a copy of his report to the Council at its fifteenth session on Slavery, the Slave Trade, and Other Forms of Servitude (E/2357), paragraphs 31 to 51, 70 and 71 of which contain the Secretary-General's comments on recommendation B and his supplementary suggestions as to methods of dealing with the problems referred to in that recommendation.

4. By 25 January 1954, the Secretary-General had received replies from the following nineteen Governments:

- (1) Burma* (reply dated 6 November 1953)
- (2) Canada* (reply dated 18 January 1954)
- (3) Chile* (reply dated 2 September 1953)
- (4) China* (reply dated 17 November 1953)
- (5) Denmark* (reply dated 3 October 1953)
- (6) El Salvador* (reply dated 14 July 1954)
- (7) Haiti* (reply dated 18 August 1953)
- (8) Iran* (reply dated 21 August 1953)
- (9) Luxembourg* (reply dated 30 June 1953)
- (10) New Zealand* (reply dated 29 December 1953)
- (11) Norway* (reply dated 6 August 1953)
- (12) Pakistan* (replies dated 6 and 12 January 1954)
- (13) Philippines* (reply dated 27 July 1953)
- (14) Sweden* (reply dated 12 November 1953)
- (15) United States of America* (reply dated 3 November 1953)
- (16) Cambodia** (reply dated 1 August 1953)
- (17) Ceylon** (reply dated 14 November 1953)
- (18) Federal Republic of Germany** (reply dated 12 November 1953)
- (19) Monaco** (reply dated 19 August 1953)

5. The replies of the following four Governments, however, contained no comments on the substance of the problem in question but merely reserved the right to submit comments at a later date:

- (1) China*
- (2) El Salvador*
- (3) New Zealand*
- (4) Philippines*

¹ The text of the International Slavery Convention of 1926 is contained in League of Nations document No. C.586.M.223. 1926.VI.

* State Member of the United Nations.

** State non-member of the United Nations.

The following Government, in submitting its comments on the substance of the problem, reserved the right to submit additional comments when it had completed a thorough comparative study of the Slavery Convention and the proposed supplementary convention:

Pakistan*

6. The following Government merely stated in its reply that as the problem in question was of no direct concern to its country, it did not wish to submit comments:

Luxembourg*

7. The replies of the following two Governments contain no comments on the questions raised by the Council in paragraph 4 of resolution 475 (XV) but contain certain comments concerning other aspects of the problem:

- (1) Iran*
- (2) Cambodia**

8. It will be noted that the Council requested the Secretary-General to consult the Governments on two separate points: "the desirability of a supplementary convention" to the International Slavery Convention of 1926, and "its possible contents". The comments contained in the replies concerning each of the questions raised by the Council are analysed in sections I and II, respectively, of this report. Section III provides an analysis of the comments contained in the replies which are not concerned directly with either of the questions raised by the Council but refer to certain other relevant aspects of the problem.

SECTION I

DESIRABILITY OF A SUPPLEMENTARY CONVENTION

9. The replies of twelve Governments contain comments on the first question raised by the Council: the desirability of a supplementary convention to the International Slavery Convention of 1926. These comments can be classified as follows.

10. The following Government considers that the desirability of a supplementary convention can be decided only after further studies have been made and additional information obtained on the practices which it is proposed to eliminate.

United States of America*

"...the United States believes that before considering the drafting of a supplementary convention on the subject of slavery, further efforts should first be made in appropriate organs of the United Nations to delineate the specific practices which fall within the scope of slavery, and conditions resembling slavery, and means by which these can be effectively abolished, and to seek the co-operation of governments to eliminate these practices and conditions in areas where they still exist.

"The United States agrees with the observation in the resolution adopted by the Economic and Social Council on 27 April 1953, that more information should be obtained on slavery and practices which give rise to conditions similar to slavery. The United States urges that immediate attention be given to the implementation of this observation."

11. The following Governments favour the drafting of a supplementary convention or express no objection thereto:

- (1) Burma*

Note: See the part of the Burmese Government's reply reproduced in paragraph 15 below.

(2) *Canada**

Note : See the part of the Canadian Government's reply reproduced in paragraph 16 below.

(3) *Chile**

Note : See the part of the Chilean Government's reply reproduced in paragraph 15 below.

(4) *Denmark**

Note : See the Danish Government's reply reproduced in paragraph 15 below.

(5) *Haiti**

Note : The Haitian Government's reply refers to another reply by that Government on the question of transferring to the United Nations, by means of a protocol, the functions undertaken by the League of Nations under the International Slavery Convention (paragraphs 1 and 2 of Council resolution 475 (XV)). The latter reply states, *inter alia*, that "it is to be hoped that the majority of the States will favour the adoption of a *revised convention* on slavery, the slave trade and other forms of servitude".

Another passage of the same reply refers to the supplementary convention in the following terms: "...if it should be decided to adopt a supplementary convention to the 1926 Convention the Haitian Government believes that the transfer to the United Nations of the relevant functions of the League of Nations should be deferred until that time."

(6) *Norway**

Note : See the Norwegian Government's reply reproduced in paragraph 15 below.

(7) *Federal Republic of Germany***

Note : See the reply of the Government of the Federal Republic of Germany reproduced in paragraph 15 below.

(8) *Ceylon***

Note : See the Ceylon Government's reply reproduced in paragraph 16 below.

(9) *Monaco***

Note : See the reply of the Government of Monaco reproduced in paragraph 15 below.

12. The following Government doubts the value of a supplementary convention but expresses its willingness to participate in an international instrument designed to combat and extirpate involuntary servitude :

*Sweden**

"The Swedish Government are ... prepared to participate in an international agreement designed to combat and extirpate involuntary servitude. As the various types of bondage referred to appear to have little or no connexion with the notion of slavery, the Government are inclined to feel doubtful about the convenience of giving such agreement the form of a supplementary convention to the Slavery Convention of 1926."

13. The following Government considers that the simultaneous operation of the International Slavery Convention of 1926 and the proposed supplementary convention is undesirable :

*Pakistan**

"... the Government of Pakistan is of the view that the simultaneous operation of two separate conventions, viz., the International Slavery Convention, 1926, and the proposed supplementary convention on slavery, with so large a common scope of application, is undesirable."

SECTION II

POSSIBLE CONTENTS OF A SUPPLEMENTARY CONVENTION

14. The replies of ten Governments contain observations concerning the second question raised by the Council : the possible contents of a supplementary convention to the International Slavery Convention of 1926. These comments can be classified as follows :

15. The following Governments accept all the principles set forth in recommendation B of the *Ad Hoc Committee* on Slavery or express no objections thereto :

(1) *Burma**

"The Government of the Union of Burma do not see anything objectionable in the supplementary convention. The Union Constitution respects the dignity of the human person, and the rights bestowed on the citizen by articles 16 and 19, reproduced below, are fundamental rights :

"Article 16. *Rights of Freedom*

"No citizen shall be deprived of his personal liberty, nor his dwelling entered, nor his property confiscated, save in accordance with law.

"Article 19. (i) Traffic in human beings, and (ii) forced labour in any form and involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall be prohibited.

"Explanation : Nothing in this section shall prevent the State from imposing compulsory service for public purposes without any discrimination on grounds of birth, race, religion or class."

"There are also specific penal and other statutory provisions which may be invoked in support of the convention, a detailed study of which is given below.

"*Recommendation B of the Ad Hoc Committee,*
paragraph 1

"Principle I. (a) Debt bondage is neither practised, nor legal. It contravenes Article 16 of the Union Constitution and would also be hit by the provisions of section 370 of the Penal Code or of sections 341, 342, 343 and 344 thereof.

"(b) and (c) The same remarks apply. Serfdom, individual or collective, has no legal status.

"(d) Consent is of the very essence of the Burmese Buddhist marriage. In that and other marriages, where the parties lack capacity to contract a valid marriage, that lack of capacity has to be made up with the consent of the parents or guardians.

"(e) This practice would be caught in article 19 of the Union Constitution and section 370 of the Penal Code. Even in the appointment of a guardian for a minor, his welfare is the paramount consideration, and the same applies to adoption.

"Principle II. This would not cast any onerous burden on the Union Government. The Union Government has occasionally furnished the United Nations with information on human rights in Burma.

"Principle III. This also would not throw any onerous burden on the Union Government. International co-ordination to suppress slavery is desirable.

"Principle IV. As stated above, the Union Government is still associated with the 1926 Convention and there would be therefore no difficulty in reaffirming it.

"*Recommendation B of the Ad Hoc Committee,*
paragraph 2

"Citizens of Burma who commit the crimes of slave-raiding and slave-trading on the high seas can be

punished under section 367 or section 370 of the Penal Code read with section 4. Foreigners committing those crimes on the high seas will be outside the jurisdiction of the Union courts. But the principles of International Law are recognized: *vide* article 211 of the Union Constitution reproduced below:

“‘ *International Relations*

“‘ *Article 211.* The Union of Burma renounces war as an instrument of national policy, and accepts the generally recognized principles of international law as its rule of conduct in its relation with foreign States’, and the Courts will abide by them so long as they do not run contrary to municipal laws. The Union Government would therefore be prepared to declare that slave-raiding and slave-trading on the high seas will be treated as similar to piracy.

“3. The Penal Code provides adequately against these offences which would amount to causing hurt or grievous hurt.

“4. The early stages of dealing in slaves, e.g. conspiracy to enslave, can be prevented by the Penal Code. Thus conspiracy to enslave is punishable under section 367 or 370 of the Penal Code read with section 120 B.

“5. Suitable arrangements can be made to have such information as is available furnished.

“6. Marriage laws are already in force which provide for contracting a valid marriage before an easily accessible marriage officer. Burmese Buddhist marriages are consensual contracts which have no hint of servile status. The Buddhist Women’s Special Marriage and Succession Act encourages registration of marriages between Burmese Buddhist women and non-Buddhist men in the interest of the women’s inheritance and property rights. Under the Act all village headmen are Registrars of Marriages.

“7. The marriage law in force in the Union sets the age of consent higher than 16 for males and 14 for females. Under the Child Marriage Restraint Act, a male adult marrying a child, or parents concerned in a child marriage, or whoever solemnizes a child marriage, may be punished. A ‘child’ is defined as a male under 18 years or a female below 14 years, and a ‘child marriage’ is a marriage to which either of the contracting parties is a child.

“The above detailed study of the proposed supplementary convention would show that adequate constitutional and statutory provisions are in force in the Union of Burma to give the Convention the necessary support and sanction. The Union Government therefore considers that no new legislative measures would be called for if it accedes to the convention.”

(2) *Chile**

“Chile considers that slavery, which still persists in certain regions and territories, is a serious problem which demands immediate action to eradicate it. Our Government therefore attaches great importance to the proposal to draw up a supplementary convention containing provisions to give effect to existing protocols, with a view to giving new expression and meaning to established principles, further developing the methods of preventing slavery and establishing standards which correspond to the world situation of today.”

(3) *Denmark**

“... the Danish Government has no objections to a supplementary convention being concluded as proposed by the Committee of Experts.”

(4) *Norway**

“... the Norwegian Government considers it desirable that a supplementary convention on slavery be agreed upon, but as the problem of slavery does not exist in Norway it does not feel called upon to present any views as to its possible contents.”

(5) *Federal Republic of Germany***

“The Federal Government does not object in principle to the conclusion of a supplementary agreement to the Slavery Convention, particularly since the principles set forth in recommendation B of the *Ad Hoc* Committee are already embodied in German legislation.”

(6) *Monaco***

“... The Government of his serene Highness the Prince ... is prepared to participate in an instrument designed to further the efforts of the United Nations to suppress slavery in all its forms...”

“The documents attached to the above-mentioned note of 18 June 1953 do not call for any comments on the part of the Government of the Principality.”

16. The following Governments accept some of the principles set forth in recommendation B of the *Ad Hoc* Committee on Slavery but express objections to certain others:

(1) *Canada**

“In view of the findings of the *Ad Hoc* Committee on Slavery that the slave-trade, slavery and other forms of servitude still exist in parts of the world, the Government of Canada sees benefit in the proposal to conclude a supplementary international convention on slavery based on recommendation B (E/1988) of the *Ad Hoc* Committee on Slavery, which will extend the principles of the International Slavery Convention of 1926 to include various institutions and practices analogous to slavery or resembling slavery in some of their effects...”

“The Government of Canada believes that in countries, like Canada, where no slavery exists, the governments concerned should not be required to take positive action to implement the provisions of the proposed supplementary convention, since such action would accomplish nothing. Moreover, in Canada, the implementation of some of the provisions of the proposed Supplementary Convention—for example those in recommendations 6 and 7 concerning marriage customs and consent in marriage—would not only serve no useful purpose but would create constitutional difficulties for the Government of Canada arising out of the distribution of legislative power in this country. It is suggested, therefore, that one of the following alternatives be adopted:

“(a) That there be included in the supplementary convention an article or clause which would ensure that the provisions concerning the enactment of implementing legislation and the filing of annual returns should not be binding on countries which have already eliminated slavery and analogous practices from within their territories; or

(b) That such countries should be permitted to make a reservation, when signing the supplementary convention, with respect to the enactment of legislation and the filing of returns. In the absence of both of these alternatives, the Government of Canada, although it strongly desires the abolition of the slave-trade and slavery in all its forms, would find it difficult to participate in a supplementary convention along the lines recommended by the *Ad Hoc* Committee on Slavery.”

(2) Pakistan*

Note: See the part of the Pakistan Government's reply reproduced in paragraph 13 above. The reply continues as follows:

"... in case the Economic and Social Council decides in favour of a supplementary convention, the Government of Pakistan would have the following comments to make on recommendation B of the Ad Hoc Committee on Slavery of the Economic and Social Council:

"Recommendation B regarding proposed supplementary international convention on slavery, paragraph 1

"Principle I (a). The practice of debt bondage is non-existent in Pakistan. The Government of Pakistan has no objection to the recommendation.

"Principle I (b). The Government of Pakistan has no objection to the recommendation for the same reason as stated against principle I (a).

"Principle I (c). The Government of Pakistan will not be able to implement the recommendation, if adopted, in times of emergency or in regard to services which are essential to the maintenance of the life of the community.

"Principle I (d). No such practices exist in Pakistan.

"Principle I (e). The Government of Pakistan has no objection to the recommendation.

"Principle II. The Government of Pakistan has no objection to the recommendation.

"Principle III. The Government of Pakistan agrees with the Secretary-General's views on this recommendation that, in taking the action recommended therein, it would be necessary for the Council to define precisely the obligations which States would undertake, and also to state clearly the nature, power and functions of the contemplated agency.

"Principle IV. The Government of Pakistan subscribes to the views of the Secretary-General that the Council may consider this recommendation unnecessary, as the binding character of the International Slavery Convention of 1926 for parties thereto has never been questioned.

"Paragraph 2²

... the Government of Pakistan has no objection to the recommendation...

"Paragraph 3

No such practice exists in Pakistan. The Government of Pakistan has no objection to the recommendation.

"Paragraph 4

The Government of Pakistan has no objection to the recommendation. Slavery does not exist in Pakistan in any form; hence the occasion for committing such offences as those enumerated in this recommendation does not arise.

"Paragraph 5

The Government of Pakistan has no objection to communicating to the United Nations information on any laws and regulations which it may enact to apply the provisions of the conventions on slavery.

"Paragraphs 6 and 7

The Government of Pakistan is of the view that the problems enunciated in these recommendations may be appropriately dealt with by the Commission on the Status of Women, to which they should be referred for consideration. These recommendations should not form part of the proposed supplementary convention on slavery. If the Economic and Social Council were to decide to adopt them, the Government of Pakistan could not be a party to them, as in Pakistan each community is governed by its personal laws in so far as marriage customs are concerned."

(3) Sweden*

Note: See the part of the Swedish Government's reply reproduced in paragraph 12 above. The reply continues as follows:

"A detailed examination of the text of recommendation B of the Ad Hoc Committee on Slavery... does not appear to be required at this stage."

(4) Ceylon**

"The Minister of External Affairs, Ceylon... has the honour to state... concerning a new supplementary convention on slavery, that he has no objection to the acceptance of paragraphs 1 to 6 of recommendation B of the Ad Hoc Committee on Slavery, but is unable to give unqualified assent to recommendation 7, regarding the age of consent in marriage.

"In Ceylon, the General Marriages Ordinance has provided for the same ages of consent (section 14 of chapter 95). A similar provision exists in the Kandyan Marriages Ordinance (Cap. 96). But the Muslim Marriage Act 13 of 1951 (which is not yet in operation) authorizes the marriage of a girl who has not attained the age of 12, provided the Quazi for the area in which the girl resides has, after inquiry as he may deem necessary, authorized the registration of the marriage. For the purposes of marriage a Muslim in Ceylon attains 'majority' on reaching the age of puberty—54 N 201 at 203 (Privy Council). Thus there will be a few cases of Muslim girls below 12, who have obtained the authorization of the Quazi, being able at present to contract a legal marriage, the penal provision in section 363 of the Penal Code notwithstanding."

SECTION III

OTHER COMMENTS CONTAINED IN THE REPLIES
OF THE GOVERNMENTS

17. The replies of nine Governments contain certain relevant comments on the problem under consideration but do not refer directly to the points raised by the Council in paragraph 4 of resolution 475 (XV). These comments can be classified as follows:

18. The following Governments propose the adoption of certain other national or international measures for the elimination of slavery and similar institutions and practices:

(1) Canada*

"The Government of Canada considers... that these institutions and practices, which are largely the results of long-standing customs in certain areas of the world, will not be eradicated without effective action by the governments of these areas. Without this the International Slavery Convention of 1926 and any supplementary agreement will not avail to eliminate slavery and the slave-trade in all their forms."

² The original observation on paragraph 2 contained in the first reply of Pakistan of 6 January 1954 has been replaced in accordance with a further note of the Minister of Foreign Affairs and Commonwealth Relations of Pakistan of 12 January 1954.

(2) *United States of America**

Note : See the part of the United States Government's reply reproduced in paragraph 10.

(3) *Sweden**

"In the Swedish Government's opinion there exists a general desire that institutions and practices analogous to or resembling slavery should be abolished at the earliest possible date. The Government believe that, in the first place, international measures against such institutions and practices should be taken with a view to improving social and economic conditions in countries concerned. Slavery and analogous practices would, it is deemed, in that case gradually cease to exist."

19. The following Governments request that the work of certain functional commissions of the Economic and Social Council should be taken into consideration in drafting the new international instrument :

(1) *Chile**

"The Chilean Government...believes that it would be advisable, in preparing the new protocol, to bear in mind the activities of some of the functional commissions of the Economic and Social Council. The Commission on Human Rights, the Commission on the Status of Women, the *Ad Hoc* Committee on Forced Labour and other bodies have carried out studies on other aspects of the general problem and have recommended measures for eradicating the causes of slavery.

"On the other hand, since this complex problem does not exist in our country, our Government is unable to make any practical comments as a constructive contribution towards the desired objectives. It will,

however, support any suggestion made, encourage any action recommended and co-operate in putting into practice any ideas for eradicating slavery in all its forms and manifestations."

(2) *Pakistan**

Note : See the part of the Pakistan Government's reply reproduced in paragraph 16.

20. The following Governments state that the legislation of their country conforms with the principles set forth in recommendation B :

(1) *Burma**

Note : See the Burmese Government's reply reproduced in paragraph 15.

(2) *Iran**

"...Iranian legislation as a whole is in conformity with the basic principles set forth in the report of the Committee of Experts and the report by the Secretary-General."

(3) *The Federal Republic of Germany***

Note : See the reply of the Government of the Federal Republic of Germany reproduced in paragraph 15 above.

(4) *Cambodia***

"...The Royal Government of Cambodia has no comment to make, and hereby expresses its adherence, without reservation, to the terms of resolution 475 (XV) on slavery adopted by the Economic and Social Council on 27 April 1953.

"The relevant legislation in force in the Kingdom of Cambodia is consonant with the principles stated by the Economic and Social Council."

DOCUMENT E/2540/Add.1

Letter dated 25 February 1954 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General

[Original text: English]
[3 March 1954]

Note. The Secretary-General of the United Nations has the honour to communicate to the Economic and Social Council herewith, in connexion with his report on consultations concerning the desirability of a supplementary convention on slavery and its possible contents (E/2540), the following communication, dated 25 February 1954, from the United Kingdom delegation to the United Nations.

The Head of the Permanent Delegation of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents his compliments to [the Secretary-General] and in reply to His Excellency's note No. SOA/321/05 of the 18th of June has the honour to inform that Her Majesty's Government have the following comments on the desirability and contents of a supplementary convention on slavery.

2. Her Majesty's Government have long taken a leading part in the institution of measures, both international agreements and practical action, for the abolition of slavery and servitude. They believe that the Convention signed at Geneva in 1926 represented the maximum obligation that the signatories could accept at that time

but that sufficient progress has been made to warrant extension of the provisions of that convention. They are accordingly in favour of the conclusion of a supplementary convention, as has already been stated by the United Kingdom Delegation to the Economic and Social Council.

3. They are in broad agreement with the recommendations put forward by the *Ad Hoc* Committee and contained in section B of chapter III of document E/1988. The following paragraphs contain Her Majesty's Government's detailed comments on these recommendations, and in view of the importance which they attach to the subject they are also preparing a draft based upon these recommendations which they hope may eventually serve as a basis for the conclusion of a Supplementary Conven-

tion. In its preparation, they are having the benefit of the views of the Anti-Slavery Society, which has been active in this field for more than a century and a half.

4. Her Majesty's Government consider, however, that as certain of the practices in recommendation B of the *Ad Hoc* Committee's report may involve work or services of the nature of forced labour, it would be desirable before finally determining the detailed content of the proposed supplementary convention to consider in co-operation with the ILO how far such practices, or certain aspects of them, would best be treated internationally either as forced labour practices or more generally.

5. Her Majesty's Government also believe that it should be left to governments to decide, in the light of domestic circumstances, whether and what legislative or other action is necessary in order to enable them to comply with the requirements of the convention, and that it would be inappropriate that the convention should contain a specific obligation to enact laws for this purpose. Any State becoming party to the convention would automatically accept under international law the obligation to ensure that its domestic law contained such provisions as might be necessary to fulfil its purposes. But the nature of the requisite legislation would in the opinion of Her Majesty's Government be a matter for each State Party.

6. Recommendations of the *Ad Hoc* Committee

Section B

1. I (a) and (b)

(i) Subject to the general considerations set out above, Her Majesty's Government agree that the practices of debt bondage and serfdom mentioned in these two sections should be subjects of the supplementary convention.

I (c)

(ii) Her Majesty's Government believe that great importance attaches to the avoidance of duplication of work already undertaken by other organs of the United Nations and specialized agencies. They believe that the practices which this section describes are, rather than slavery, either forms of forced labour, which would more appropriately be dealt with as such by the International Labour Organisation, or kinds of civic obligations which are generally accepted and in no way resemble slavery in their effects.

I (d) and (e)

(iii) Her Majesty's Government are firmly convinced of the necessity of abolishing as early as possible the practices whereby the persons of women and children are disposed of without their consent. It is however their view, based on experience, that attempts to abolish long-established customs and practices of any kind, including such practices as these, can only lead to the disintegration of the local social structure unless they are carried out gradually, with extensive educational preparation and with full regard to the wishes and feelings of the local inhabitants. They therefore believe that the proposed convention should provide that the contracting parties should undertake all practical measures, including legislation where appropriate, to bring the institutions or practices defined to an end progressively and as soon as possible.

II

(iv) Her Majesty's Government agree that the exchange of information between States members of this Convention could serve a useful purpose and that such exchange

could best be effected through the Secretary-General of the United Nations. They do not, however, feel that it would be desirable in this connexion to depart from the provisions of the 1926 Convention.

III

(v) Her Majesty's Government also agree that the Parties should undertake to co-operate with one another, but do not believe it would be appropriate to include in this convention a general undertaking to co-operate with any agency which may be created, in advance of its creation.

IV

(vi) Her Majesty's Government believe that the Convention of 1926 remains in full force and they consider that it would be superfluous—and indeed undesirable since it might cast doubts on the validity of other international agreements not thus reaffirmed—to reaffirm it as a whole or in part. Moreover the conclusion of a protocol transferring to the Secretary-General of the United Nations the functions formerly performed by the Secretary-General of the League of Nations under the Convention of 1926 makes it clear that the Convention is fully operative. Some reference to this situation might however be included in the preamble to the draft supplementary convention.

2.

(vii) Her Majesty's Government agree that slave-raiding and trading should be declared to be a crime similar to piracy. As regards the requirement to enact laws, their views on responsibility for domestic legislation have been set out in paragraph 5 above.

3.

(viii) Her Majesty's Government agree with the recommendation on mutilation etc. subject to the reservations already expressed on the question of domestic legislation.

4.

(ix) Her Majesty's Government agree in general with the recommendation on actions accessory to enslavement, subject to their reservations on the question of domestic legislation.

5.

See sub-paragraph (iv) above.

6 and 7.

(x) Her Majesty's Government warmly support the principles which inspire the recommendations on marriage but adhere to the view expressed in sub-paragraph (iii) above that the practices in question can only be eradicated gradually, and principally by means of education. In particular they believe that no law should be enacted unless it is enforceable, and suggest, by way of an example, that patriarchal systems existing in many countries cannot be abruptly changed, nor is it desirable that attempts should be made to change them suddenly by legislation, but that education and continual legislative advances should proceed together. They also consider, having regard to the documentation submitted to the Commission on the Status of Women (E/CN.6/185 and addenda) and discussion of this subject in the Commission on Human Rights (E/CN.4/SR.383 and 384) that an international convention should not lay down the age of consent in marriage but that this should be laid down in domestic legislation according to the needs of each territory.

DOCUMENT E/2540/Add.2

Letter dated 16 March 1954 from the Permanent Representative of Belgium to the United Nations, addressed to the Secretary-General

[Original text: French]
[24 March 1954]

Note. The Secretary-General of the United Nations has the honour to communicate to the Economic and Social Council herewith, in connexion with his report on consultations concerning the desirability of a supplementary convention on slavery and its possible contents (E/2540), the following communication, dated 16 March 1954, from the Permanent Representative of Belgium to the United Nations.

I have the honour to inform you that my Government's comments were outlined by the Minister of Foreign Affairs in his letter to you of 21 September 1953³ in reply to your letter SOA 17/1/02 of 21 July 1953. They were elaborated by the Belgian representative to the Sixth Committee in his statement in the Committee on 15 October 1953,⁴ and by me in explaining my vote in the General Assembly at its plenary meeting on 23 October 1953,⁵ at which the question of slavery was discussed. The Belgian Government has thus clearly expressed itself in favour of the conclusion of a supplementary convention. My Government considers that at the time of its conclusion the Convention of 1926 represented a step forward, but that today, in the light of present developments with regard to slavery and of the humanitarian ideas now prevailing, it is very inadequate. There exist in fact forms of servitude other than slavery as condemned by the Convention which affect more people and cause more suffering than crude slavery. In noting this serious fact in its report on the work of its second session (E/1988), the *Ad Hoc* Committee on Slavery adds that the forms of servitude in question appear to be growing in regions of the world where judicial or legislative action has not been taken to suppress them, and where public opinion has not been aroused. The need to supplement the Convention of 1926—a need, moreover, repeatedly emphasized by the agencies concerned—is therefore urgent. It is inconceivable that the United Nations, having taken up the question, should not do everything in its power to prevent the evil from spreading.

The principal task of the United Nations would seem to be to counter any evil which is tending to grow rather than to remedy one evil which is disappearing. It is therefore essential that the United Nations should deal

with the practices similar to slavery which are not covered by the Convention of 1926.

The essential reason why such practices must be suppressed by means of a convention is that they cause much more suffering than crude slavery. There is, however, an additional reason for protecting the victims of such customs by means of an international convention: owing to a restrictive interpretation of the Charter, many indigenous peoples—precisely those among whom forms of servitude similar to slavery are most prevalent—have been deprived of the international guarantees they enjoyed under the Covenant of the League of Nations.

Although at the time at which it was concluded, the Convention of 1926 did not cover the forms of servitude envisaged by the *Ad Hoc* Committee on Slavery, Members of the League of Nations were at least bound by Article 23 (b) of the Covenant, under which all Members had assumed the general undertaking "to secure just treatment of the native inhabitants of territories under their control". No Member State ever questioned the fact that that undertaking applied to indigenous peoples.

Chapter XI of the Charter contains a similar provision. But, through a restrictive interpretation which Belgium has unceasingly denounced, many indigenous peoples have been unjustly deprived of these international guarantees, although they are entitled to them under the terms of the Charter itself and need them now as much as they ever did.

These are the Belgian Government's comments on the desirability of a supplementary convention on the question. I should be glad if you would communicate them to the members of the Economic and Social Council.

My Government reserves the right to communicate its detailed comments on the contents of such a supplementary convention at a later date.

DOCUMENT E/2540/Add.3

Letter dated 6 April 1954 from the Director-General of the International Labour Office to the Secretary-General

[Original text: English]
[12 April 1954]

Note. The Secretary-General of the United Nations has the honour to communicate to the Economic and Social Council herewith, in connexion with his report on consultations concerning the desirability of a supplementary convention on slavery and its possible contents (E/2540), the following communication, dated 6 April 1954, from the International Labour Organisation.

I have the honour to refer to Mr. Katzin's letter (SOA 321/02 (2)) of 16 July 1953, drawing attention to reso-

³ See document A/2535.

⁴ See *Official Records of the General Assembly, Eighth Session, Sixth Committee*, 370th meeting.

⁵ *Ibid.*, *Plenary Meetings*, 453rd meeting.

lution 475 (XV) of the Economic and Social Council and particularly to those paragraphs of it which invited the specialized agencies to submit to you their comments and suggestions concerning the desirability of a supplementary convention on slavery and its possible contents; to collect and submit to you all the material available to them relating to the problem of slavery,

the slave-trade, and other forms of servitude; and to make suggestions as to measures which might be taken in order to eliminate slavery and conditions similar to slavery.

The Governing Body has now had an opportunity of considering the matter and has requested me:

(1) To call your attention to the precedents established at the time of the Slavery Convention of 1926 as to the respective roles of the League of Nations and the International Labour Organisation in the regulation of forced labour and to suggest that the terms of any new supplementary convention on slavery might be approached with that background in mind.

(2) To emphasize the desirability of the closest collaboration between the United Nations and the ILO in the elaboration of any proposals relating to the terms of any new supplementary convention on slavery in view of the series of detailed international instruments on forced labour and particular aspects of possible compulsion to labour adopted by the ILO since the Slavery

Convention of 1926 and the methods of continuous supervision of the application of these instruments operated under ILO constitutional machinery.

(3) To suggest that preliminary consideration, in the working out of the details of the contents of any Supplementary Convention on Slavery, should be given to defining further the real nature and impact of each of the institutions and practices which the *Ad Hoc* Committee on Slavery suggested as being appropriate for inclusion in such a convention so as to establish whether they might eventually best be tackled internationally in their manifestations as forced labour practices or more generally.

As regards new material in the possession of the ILO relating to slavery or servitude or practices analogous thereto or which might be of value to the United Nations in connexion with its study of these matters, the officials concerned have already been in touch with each other on this matter and such new material as the ILO possesses has been placed at the disposal of the United Nations.

DOCUMENT E/2540/Add.4

Letter dated 9 April 1954 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General

[Original text: English]
[12 April 1954]

Note. The Secretary-General of the United Nations has the honour to communicate to the Economic and Social Council herewith, in connexion with his report on consultations concerning the desirability of a supplementary convention on slavery and its possible contents (E/2540), the following communication, dated 9 April 1954, from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

The Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents his compliments to the Secretary-General and, with reference to the United Kingdom reply dated 25 February 1954 to His Excellency's Note No. SOA. 321/05 of the 18 June 1953, which has since been distributed in connexion with item 15 (a) of the seventeenth session of the Economic and Social Council as document E/2540/Add.1, now has the honour to enclose the draft of a supplementary convention on slavery, as promised in paragraph 3 of the reply under reference.

In so doing the Head of the United Kingdom Delegation wishes to emphasize that the draft supplementary convention should be read in conjunction with the comments contained in document E/2540/Add.1, and in particular with paragraphs 2 to 6 of those comments.

DRAFT CONVENTION ON THE ABOLITION OF SLAVERY AND SERVITUDE

The States signatories of the present Convention,

Considering that article 4 of the Universal Declaration of Human Rights proclaims as one of the aims of the United Nations that no one shall be held in slavery or servitude,

Recognizing that the International Convention with the Object of Securing the Abolition of Slavery and the Slave Trade signed at Geneva on September 25, 1926, represented the widest undertaking upon which agreement could be reached at that time,

Considering that further progress has been made towards elimination of slavery and practices of a similar nature from the world,

Believing that the provisions of the aforementioned Convention of 1926, which remains fully operative and the custody of which by the Secretary-General of the United Nations has been confirmed in a Protocol dated December 7, 1953, can now appropriately be augmented by the conclusion of a supplementary convention,

Have agreed as follows:

Article 1

All practicable and necessary measures, including legislation where appropriate, shall be taken to bring about, progressively and as soon as possible, the complete abolition or abandonment of the following institutions and practices, where they still exist.

(a) Debt bondage, i.e., the status or condition arising from a pledge by a debtor of his personal services or those of a third person under his control as a security for a debt where the value of those services rendered is not applied towards the liquidation of the debt and the person pledged has to serve the creditor until the debt is repaid.

(b) Serfdom, i.e., the servile hereditary tenure of land whereby the tenant is by law, custom and agreement bound to live and labour on land belonging to another person and render some determinate service to his landlord whether for reward or not and is not free to change his status.

(c) Any institution or practice whereby :

(i) A woman, without the right to refuse, is given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or clan ; or

(ii) The husband of a woman, his family or his clan has the right to transfer her in his lifetime to another person for value received ; or

(iii) The woman on the death of her husband is liable to be inherited by his heir-at-law.

(d) Any institution or practice whereby a child or young person is delivered by either or both his natural parents or his guardian to another person, whether for reward or not, under conditions which permit that person to exploit the child or young person or his or her labour ; except that this Article shall not be construed so as to prohibit or hinder *bona fide* adoptions intended to promote the welfare of children or young persons.

Article 2

(a) The act of conveying slaves on the high seas or slave-raiding shall be deemed to be an act of piracy, and subject to appropriate penalties.

(b) Public vessels under the control of parties to this Convention shall have the same rights in relation to vessels or persons engaged in such act as they have in relation to vessels and persons engaged in acts of piracy.

(c) All slaves so captured shall be set at liberty.

Article 3

In a country where the abolition of servile status is not yet complete, any person who mutilates, brands or otherwise marks another person to indicate that status, and any person accessory to such an act, shall be guilty of a criminal offence and liable to punishment.

Article 4

Any person shall be guilty of a criminal offence and liable to punishment who attempts, or is an accessory to an attempt, or takes part in a conspiracy, to enslave another person or to induce another person to give himself, or a person dependent upon him, into slavery or any other form of servitude.

Article 5

With a view to bringing to an end the institutions and practices mentioned in Article 1 (c) of this Convention, the Contracting Parties undertake to prescribe where appropriate a minimum age of consent in marriage and to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a recognized marriage officer who shall register such marriage.

Article 6

The Contracting Parties undertake to co-operate with each other to give effect to the foregoing provisions, and to communicate to each other through the Secretary-General of the United Nations copies of any laws and regulations enacted to implement the provisions of this Convention.

Article 7

Any State may when signing this Convention or when depositing its instrument of ratification or accession, or

when making a notification under Article 10, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory or territories is not in conformity with the provisions thereof. Reservations of a general character shall not be permitted. Any reservation made under this Article shall contain a brief statement of the law concerned.

Article 8

(1) Any question or dispute concerning the interpretation or application of this Convention which arises between Contracting States both or all of which are parties to the Statute of the International Court of Justice shall be referred to the International Court of Justice, unless in any specific case it is agreed by the parties to have recourse to another mode of settlement.

(2) If the Contracting States between which a dispute has arisen are not parties, or any one of them is not a party, to the Statute of the International Court of Justice, the dispute shall, if the State concerned so desires, be submitted, in accordance with the constitutional rules of each of them, to an arbitral tribunal established in conformity with the Convention for the Pacific Settlement of International Disputes signed at The Hague on October 18, 1907, or to any other arbitral tribunal.

Article 9

This Convention shall be open for signature by any State whether or not a member of the United Nations until [date]. It shall be ratified. Ratification shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations who shall inform each signatory and acceding State.

After [same date] this Convention shall be open to accession by any State whether or not a Member of the United Nations. Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall inform each signatory and acceding State.

Article 10

Any State may at the time of its ratification or accession or at any time thereafter declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The Secretary-General shall inform the other signatory and acceding States.

Article 11

(1) Any Contracting State may denounce the present Convention by a written notification addressed by that State to the Secretary-General of the United Nations, who shall notify all other Contracting States of each such notification and the date of the receipt thereof.

(2) The denunciation shall take effect one year after the receipt of the notification by the Secretary-General of the United Nations, and shall operate only as regards the State effecting the denunciation.

(3) Any Contracting State which has made a declaration under Article 10 of this Convention may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that, one year after the date of the receipt by the Secretary-General of the aforesaid notification, the Convention shall cease to extend to a territory or territories named in the declaration.

This Convention shall enter into force on the date on which two States have become parties thereto and thereafter shall enter into force in respect of each State and territory on the date of deposit of the instrument of ratification or accession of that State or notification of extension to that territory.

Article 13

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 convention and to publish it as soon as possible after registration.

The present Convention, 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 Secretary-General shall prepare a certified copy thereof for communication to States parties to the Convention as well as to all other States Members of the United Nations.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention on the date appearing opposite their respective signatures.

Done in the Headquarters of the United Nations, New York, this day of 19...

DOCUMENT E/2585

Report of the Social Committee

[Original text: French and English]
[28 April 1954]

1. The Social Committee, under the chairmanship of the Second Vice-President of the Council, Mr. Jiri Nosek (Czechoslovakia), considered at its 274th, 275th and 276th meetings (E/AC.7/SR.274 to 276), held on 27 and 28 April 1954, item 15 (parts (a) and (b)) of the agenda of the Council referred to it by the Council at its 757th meeting held on 31 March 1954.

2. The Committee had before it the following documents: E/2540 and Add.1 to 4, E/2548 and Corr.1 and Add.1 and 2; E/AC.7/L.212 and Add.1, E/AC.7/L.213 and Add.1, E/AC.7/L.215 and E/AC.7/L.216.

3. The Committee voted on the attached draft resolutions as follows:

	For	Against	Abstentions
Draft resolution A	11	0	7
Draft resolution B	14	0	4

4. The Committee recommends that the following draft resolutions be adopted by the Council.

A

The Economic and Social Council,

Considering that the information supplied in accordance with Council resolutions 238 (IX), 276 (X), 388 (XIII) and 475 (XV) is not in such a form as to give a clear and concise statement as to the extent to which slavery and practices resembling slavery exist in the world today,

Noting that all replies to the questionnaire have not yet been received,

1. *Urges* all Governments which have not yet done so to reply, at an early date, accurately and fully to the questionnaire already transmitted to them and invites the other Governments to forward any additional data or information which they may think it necessary or appropriate to submit;

2. *Repeats* its urgent recommendation to all States, both Members and non-Members of the United Nations, which have not already done so, to accede as soon as possible to the International Slavery Convention of 1926 in respect

of their territories and the Non-Self-Governing and Trust Territories for which they are responsible, in order that the said Convention may be given universal application;

3. *Requests* all States, both Members and non-Members of the United Nations, which have not already done so, to accede to the Protocol transferring to the United Nations the functions undertaken by the League of Nations under the International Slavery Convention of 1926;

4. *Requests* the Secretary-General to prepare an analytical study of the information supplied in accordance with the resolutions referred to above and the present resolution and of any relevant information supplied by the International Labour Organisation,

5. *Decides* to examine this study at its nineteenth session;

6. *Invites* the specialized agencies, in particular the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the Food and Agriculture Organization of the United Nations, to make arrangements, in the fields with which they are concerned, for their commissions and regional meetings to study measures to remedy the various forms of slavery, with reference to article 1 of the 1926 Convention and the list of institutions or practices prepared by the *Ad Hoc* Committee (E/1988).

B

The Economic and Social Council,

Noting the report of the Secretary-General (E/2540) on his consultations concerning the desirability of a supplementary convention on slavery and its possible contents,

Noting further that the Government of the United Kingdom of Great Britain and Northern Ireland has submitted a draft of a supplementary convention (E/2540/Add.4),

Considering the observations of the Governing Body of the International Labour Organisation set out in document E/2540/Add.3,

1. *Decides* to transmit to all Governments and to the International Labour Organisation any draft supplementary convention on slavery submitted by Governments;

2. *Requests* the Secretary-General to deal accordingly with the draft contained in document E/2540/Add.4;

3. *Invites* all Governments and the International Labour

Organisation to submit comments on this draft and on any other draft to the Secretary-General; and

4. *Requests* the Secretary-General to prepare a report on the replies received in accordance with the preceding paragraph for consideration by the Council at its nineteenth session.

DOCUMENT E/L.602

United States of America: amendment to draft resolution A submitted by the Social Committee (E/2585)

[Original text: English]
[28 April 1954]

Paragraph 6

Delete the words "for their commissions and regional meetings".

DOCUMENT E/L.603

Ecuador: amendment to draft resolution A submitted by the Social Committee (E/2585)

[Original text: Spanish]
[29 April 1954]

Replace paragraph 6 by the following text:

"6. *Invites* the specialized agencies, in the fields with which they are concerned, to study measures to remedy slavery, conditions similar to slavery, and servitude in all its forms, with special reference to the question of measures of international co-operation to achieve this end;"

DOCUMENT E/L.604

Australia, Belgium and the United States of America: amendment to draft resolution A submitted by the Social Committee (E/2585)

[Original text: English]
[29 April 1954]

Replace paragraphs 4 and 5 with the following text:

"4. *Decides* to appoint the Permanent Representative of Norway to the United Nations, His Excellency Mr. Hans Engen, as Rapporteur to prepare a concise summary of the information supplied in accordance with the resolutions referred to above and the present resolution and of any relevant information supplied by the International Labour Organisation for consideration at the nineteenth session of the Council;

"5. *Requests* the Secretary-General to place the report of the Rapporteur on the agenda of the nineteenth session of the Council."

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
E/1988	Report of the <i>Ad Hoc</i> Committee on Slavery (second session)		<i>Official Records of the Economic and Social Council, Thirteenth Session, Annexes, agenda item 21</i>
E/2537	Slavery, the slave trade, and other forms of servitude: report of the Secretary-General		Mimeographed document only
E/2540	Consultations concerning the desirability of a supplementary convention on slavery and its possible contents: report of the Secretary-General	1	
E/2540/Add.1	Letter dated 25 February 1954 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General	6	
E/2540/Add.2	Letter dated 16 March 1954 from the Permanent Representative of Belgium to the United Nations, addressed to the Secretary-General	8	
E/2540/Add.3	Letter dated 6 April 1954 from the Director-General of the International Labour Office to the Secretary-General	8	
E/2540/Add.4	Letter dated 9 April 1954 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General ..	9	
E/2548 and Corr.1	Supplementary report of the Secretary-General		Ditto
E/2548/Add.1	Note dated 4 March 1954 from the Permanent Delegation of the Argentine Republic to the United Nations, addressed to the Secretary-General		Ditto
E/2548/Add.2	Note dated 19 March 1954 from the Permanent Delegation of Turkey to the United Nations, addressed to the Secretary-General		Ditto
E/2548/Add.3	Note dated 26 April 1954 from the Permanent Observer of Switzerland to the United Nations, addressed to the Secretary-General		Ditto
E/2585	Report of the Social Committee	11	
E/AC.7/L.212	United Kingdom of Great Britain and Northern Ireland: draft resolutions		Ditto
E/AC.7/L.212/Add.1	Financial implications of the draft resolutions submitted by the United Kingdom (E/AC.7/L.212) — Estimate submitted by the Secretary-General		Ditto
E/AC.7/L.213	France: amendments to the draft resolutions submitted by the United Kingdom (E/AC.7/L.212)		Ditto
E/AC.7/L.213/Add.1	Financial implications of the amendments submitted by France (E/AC.7/L.213) — Estimate submitted by the Secretary-General		Ditto
E/AC.7/L.215	Egypt: amendments to draft resolution A submitted by the United Kingdom (E/AC.7/L.212)		Ditto
E/AC.7/L.216	Egypt: amendment to the amendments submitted by France (E/AC.7/L.213)		Ditto
E/L.602	United States of America: amendment to draft resolution A submitted by the Social Committee. (E/2585)	12	
E/L.603	Ecuador: amendment to draft resolution A submitted by the Social Committee (E/2585)	12	
E/L.604	Australia, Belgium, and the United States of America: amendment to draft resolution A submitted by the Social Committee (E/2585)	12	
E/RESOLUTION (XVII)/18	Resolutions adopted by the Economic and Social Council at its 789th meeting, on 29 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 525 (XVII)</i>



Agenda item 16: Statelessness: (a) Draft protocol relating to the status of stateless persons; (b) Problem of statelessness: consolidated report by the Secretary-General under Council resolution 352 (XII) and memorandum by the Secretary-General on the action taken by the International Law Commission

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Document No.	Title	Page
E/2528 and Add.1	Note by the Secretary-General	1
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DOCUMENT E/2528 and Corr.1 and Add.1

Note by the Secretary-General

[Original text: French]
[28 December 1953]

1. On 6 November 1952 the General Assembly adopted resolution 629 (VII) on the draft protocol relating to the status of stateless persons, the operative part of which reads as follows:

"1. Requests the Secretary-General to communicate the provisions of the draft protocol to all the governments invited to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons held at Geneva in July 1951, with a request for their comments, in particular on those provisions of the Convention relating to the Status of Refugees¹ which they would be prepared to apply to the various categories of stateless persons, and to submit these comments, with his observations, to the Economic and Social Council;

"2. Requests the Economic and Social Council to study, if possible at its sixteenth session, the text of the draft protocol and the comments received from interested governments and, in the light of these comments, to take whatever action seems useful in order that a text may be opened for signature after the Convention relating to the Status of Refugees has entered into force."

2. On 8 December 1953 the Council decided to include the question in the agenda of its seventeenth session.

I. Comments received from governments

3. In accordance with the request contained in the paragraph 1 of the operative part of the resolution, the Secretary-General communicated the provisions of the draft protocol to all the governments invited to the Conference of Plenipotentiaries, with a request for their comments. By 15 December 1953 he had received the comments of the following thirteen governments:

Belgium (E/2373)	United Kingdom (E/2373/Add.11)
Dominican Republic (E/2373/Add.1)	United States of America (E/2373/Add.5)
France (E/2373/Add.4)	Yugoslavia (E/2373/Add.7)
Iran (E/2373/Add.8)	Finland (E/2373/Add.2)
Pakistan (E/2373/Add.10)	Japan (E/2373/Add.3)
Sweden (E/2373/Add.6)	Switzerland (E/2373/Add.12)
Union of South Africa (E/2373/Add.9)	

4. To the comments received from the Government of France is annexed a "Revised draft protocol on the status of stateless persons".

¹ See United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, held at Geneva, Switzerland, from 2 to 25 July 1951—Final Act and Convention relating to the Status of Refugees (A/CONF.2/108).

2. The Council, by the same resolution, requested the Secretary-General to seek information from States with regard to a number of matters related to the problem of statelessness, and to report thereon.

3. The Council, by its resolution 352 (XII) of 13 March 1951, requested the Secretary-General to continue his efforts to collect such information and to transmit to the Council and to the International Law Commission a consolidated report on the basis of this information.

4. The Secretary-General accordingly submitted a consolidated report on the problem of statelessness to the Council at its fourteenth session (E/2230 and Add.1). The Council postponed consideration of the report at its fourteenth, fifteenth and sixteenth sessions, and decided to place it on the provisional agenda of its seventeenth session (decision taken by the Council at its 794th meeting on 7 December 1953). The Secretary-General also submitted the consolidated report to the International Law Commission, which had on the agenda of its fourth and fifth sessions the item "Nationality, including statelessness."

5. The Commission at its fifth session, held at Geneva, from 1 June to 14 August 1953, adopted provisionally, as part of its work on this agenda item, a draft convention on the elimination of future statelessness and also a draft convention on the reduction of future statelessness, with commentaries thereon.⁷

6. In accordance with article 16 (h) and article 21, paragraph 2, of the Statute of the Commission, these draft conventions have been submitted to governments for their comments. After receiving these comments, the Commis-

sion will consider whether and in what form it should submit to the General Assembly one or more final draft conventions, and what course of action it should recommend to the General Assembly.

7. The Commission, having regard to the various resolutions of the Economic and Social Council on the question of statelessness, in particular resolution 116 D (VI) of 2 March 1948, resolution 248 B (IX) of 8 August 1949, and resolution 319 B III (XI) of 11 August 1950, requested the Secretary-General to transmit the draft conventions, as well as certain supporting documents, to the Council.

8. The supporting documents referred to by the Commission are:

(a) "Report on nationality, including statelessness," by Mr. Manley O. Hudson, former Special Rapporteur of the Commission (A/CN.4/50);

(b) "Report on the elimination or reduction of statelessness," by Mr. Roberto Córdova, present Special Rapporteur of the Commission (A/CN.4/64);

(c) "National legislation concerning grounds for deprivation of nationality", memorandum prepared by Mr. Ivan S. Kerno, Expert of the Commission (A/CN.4/66);

(d) *A Study of Statelessness*,⁸ a report prepared by the Secretary-General pursuant to resolution 116 D (VI) of the Economic and Social Council;

(e) "The problem of statelessness", a consolidated report prepared by the Secretary-General pursuant to resolution 352 (XII) of the Economic and Social Council (E/2230 and Add.1).

DOCUMENT E/2580

Report of the Social Committee

[Original text: English]
[22 April 1954]

1. The Social Committee, under the chairmanship of the Second Vice-President of the Council, Mr. Jiri Nosek (Czechoslovakia), considered at its 269th, 270th and 271st meetings (E/AC.7/SR.269, 270 and 271) held on 21 and 22 April 1954, item 16 (a) and (b) of the agenda of the Council referred to it by the Council at its 757th meeting, held on 31 March 1954.

2. The Committee had before it the following documents:

In connexion with sub-item (a): E/2373 and Add.1 to 14, E/2528 and Corr.1 and Add.1, E/AC.7/L.207 and Add.1 and 2, E/AC.7/L.210;

In connexion with sub-item (b): E/2230 and Add.1 and 2, E/2533, E/AC.7/L.208 and E/AC.7/L.208/Rev.1.

3. The Committee voted on the attached draft resolutions as follows:

	For	Against	Abstentions
Draft resolution A - Draft protocol relating to the status of stateless persons	6	2	10
Draft resolution B - Problem of statelessness	11	2	4

4. The Committee recommends the following draft resolutions for adoption by the Council:

A

DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

The Economic and Social Council,

Noting that there exists a certain number of persons not covered by any domestic nationality law and designated by the term "stateless persons",

Considering that the General Assembly decided by its resolution 429 (V) to convene a conference of plenipotentiaries to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons;

Considering that the aforesaid conference, which was held at Geneva in July 1951, adopted and opened for signature the Convention relating to the Status of Refugees, but decided to take no decision on the draft protocol and referred the latter for further study to the appropriate United Nations organs,

Considering that the General Assembly, in resolution 629 (VII), requested the Secretary-General to communicate

⁷ Ibid., Eighth Session, Supplement No. 9, chap. IV.

⁸ United Nations publication, Sales No.: 1949.XIV.2.

the provisions of the draft protocol to all the governments invited to the Conference of Plenipotentiaries with a request for their comments, and that in their comments a number of governments advocated the adoption and opening for signature of a revised text,

Considering that the Assembly, in resolution 629 (VII), also requested the Economic and Social Council to take, in the light of these comments, whatever action seemed useful in order that a text might be opened for signature after the Convention relating to the Status of Refugees had entered into force, and that the latter Convention entered into force on 22 April 1954,

Having consulted the Secretary-General as prescribed in General Assembly resolution 366 (IV) approving the rules for the calling of international conferences of States,

1. *Decides* :

(1) That a second conference of plenipotentiaries should be convened, and that the agenda of the conference should include the following items :

(a) The revision of the draft protocol relating to the status of stateless persons, in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the governments concerned ;

(b) Adoption of the revised protocol and opening of the protocol for signature by all States Members of the United Nations and by non-Member States invited to attend the first Conference of Plenipotentiaries held at Geneva in 1951 ;

(2) That invitations to attend the second conference of plenipotentiaries should be extended to all States invited to attend the first Conference ;

2. *Requests* the Secretary-General to make all necessary arrangements for the calling of the second conference of plenipotentiaries, in accordance with the terms of General Assembly resolution 366 (IV) and of this resolution.

B

PROBLEM OF STATELESSNESS

The Economic and Social Council,

Having regard to Council resolutions 116 D (VI), 248 B (IX), 319 B (XI), section III, and 352 (XII),

Noting the report by the Secretary-General pursuant to Council resolution 352 (XII) (E/2230, E/2230/Add.1 and 2) bearing in mind the report of the International Law Commission on the work of its fifth session (A/2456),

Considering that the causes of statelessness are often different from those which justified recognition of the Status of refugees,

Endorses the principles underlying the work of the International Law Commission, which has endeavoured in particular to determine the causes of statelessness and the changes to be made in the various national legislations in order to remove those causes, and requests it to continue its work with a view to the adoption of effective international instruments for the reduction and elimination of statelessness.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
E/2230 and Add.1 and 2 (A/CN.4/56 and Add.1 and 2)	The problem of statelessness—Consolidated report by the Secretary-General		Mimeographed documents only
E/2373 and Add.1 to 14	Comments received from governments		Ditto
E/2528/and Add.1	Note by the Secretary-General	1	
E/2533	Memorandum by the Secretary-General on the action taken by the International Law Commission	3	
E/2580	Report of the Social Committee	4	
E/AC.7/L.207	France: draft resolution		Mimeographed document only
E/AC.7/L.207/Add.1	Financial implications of the draft resolution submitted by France (E/AC.7/L.207)—Estimate submitted by the Secretary-General		Ditto
E/AC.7/L.207/Add.2	Financial implications of the draft resolution submitted by France (E/AC.7/L.207)—Supplementary estimate submitted by the Secretary-General		Ditto
E/AC.7/L.208	Belgium: draft resolution		Ditto
E/AC.7/L.208/Rev.1	Belgium and France: draft resolution		Ditto
E/AC.7/L.210	Belgium: amendment to the draft resolution submitted by France (E/AC.7/L.207)		Ditto
E/RESOLUTION (XVII)/12	Resolutions adopted by the Economic and Social Council at its 784th meeting, on 26 April 1954		Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 526 (XVII)



Agenda item 17: Recognition and enforcement abroad of maintenance obligations

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E/2364	Note by the Secretary-General	1
E/2364/Add.1	Note by the Secretary-General: addendum	2
E/2567	Report of the Social Committee	3
E/AC.39/1 and Corr.1	Report of the Committee of Experts on the Recognition and Enforcement abroad of Maintenance Obligations	3
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DOCUMENT E/2364**Note by the Secretary-General**

[Original text: English]
[13 February 1953]

1. In its resolution 390 H (XIII) the Economic and Social Council requested the Secretary-General to convene a committee of experts to formulate the text of a model convention or model reciprocal law, or both, on the recognition and enforcement abroad of maintenance obligations, to be submitted to the Council not later than at its sixteenth session, for its consideration and recommendations to governments.

2. In conformity with that request, the Secretary-General appointed a committee of seven members, which met at Geneva from 18 to 28 August 1952; the qualifications of the members are shown in the biographies appended to this note.¹

3. The Secretary-General has the honour to submit to the Council the report prepared by the Committee of

Experts on the Recognition and Enforcement abroad of Maintenance Obligations (E/AC.39/1). The report contains information regarding the background of the Committee's work, its composition and organization, and the results of its deliberations which have been formulated in the texts of the two instruments: (1) Draft convention on the recovery abroad of claims for maintenance; (2) Draft of a model convention on enforcement abroad of maintenance orders.

4. The Secretary-General is of the opinion that these two instruments constitute an important contribution to the solution of the difficult social problem of assistance to members of families abandoned by their breadwinners who live in another country. He wishes to express his general agreement with the conclusions reached by the Committee of Experts and believes that the Council may wish to consider recommending to the General Assembly the approval of the Convention on the Recovery abroad of Claims for Maintenance as an instrument open for general accession, and the submission to States of the draft convention on the enforcement abroad of maintenance orders as a model for bilateral treaties or uniform legislation to be enacted by individual States.

¹ Biographical data concerning Mrs. Marcelle Kraemer-Bach, Professor Kurt Lipstein, Mr. Mario Matteucci, Professor Eduard Maurits Meijers, Mr. Anis Saleh, Professor Francisco Clementino de Santiago Dantas, Professor Hessel Edward Yntema and Professor Harold Cooke Gutteridge, members of the Committee, were appended to this document in its provisional form.

Note by the Secretary-General: addendum

[Original text: English]
[2 April 1954]

1. The purpose of this note is to furnish to the Economic and Social Council additional information on the question of the recognition and enforcement abroad of maintenance obligations.

2. The Council will consider the two draft conventions prepared by the Committee of Experts on the Recognition and Enforcement Abroad of Maintenance Obligations (E/AC.39/1, annexes I and II).

3. These draft conventions attempt to alleviate the situation of women and children abandoned without means of subsistence by those responsible for their support who have moved to another country. Before the Second World War, the largest group involved consisted of wives and children of emigrants who, having established themselves in a new country, failed to fulfil their moral and legal duty to provide for the support of their dependants. Since the war, the number of abandoned women and children has greatly increased because of the mass displacement of persons and the return to their homelands of soldiers who were married or had children while they were stationed in foreign countries.

4. A dependant who seeks to enforce her rights against a man who lives in another country is faced with considerable legal difficulties and expense. For this reason, on the initiative of various benevolent societies, several attempts have been made in the past twenty-five years to find legal means which would make it easier for dependants to obtain support from a defaulter abroad. The preparatory work before the war was done by the International Institute for the Unification of Private Law under the auspices of the League of Nations, but the war interrupted the project.

5. After the war the project was taken up again by the United Nations. At the request of the Social Commission, the Institute prepared a draft convention, which was submitted by the Secretary-General to States for their comments. This draft was considered at the seventh session of the Social Commission (April 1951) and at the thirteenth session of the Council (August 1951).

6. Some governments, including Argentina, Belgium, Italy and the Philippines have indicated (E/CN.5/236) general approval of the Institute's draft. Other governments, however, such as the United States (E/CN.5/236, p. 33) and the United Kingdom (E/CN.5/236/Add.1), have expressed the view that the Institute's draft could not be used as a working basis for an international convention because it was not considered suitable to the legal systems of those countries. Accordingly, the Council, by resolution 390 (XIII), requested the Secretary-General to prepare one or two working drafts and to convene a committee of experts which, on the basis of the Secretariat's drafts, would prepare the text of one or two model conventions to be submitted to the Council. The

Committee of Experts, composed of jurists from seven countries, met in Geneva in August 1952 and prepared the two draft conventions which are now before the Council.

7. In the first draft convention (E/AC.39/1, annex I), the Committee of Experts developed a suggestion made by the United States (E/CN.5/236, p. 33) and sought to devise a system compatible with the domestic legislation of the different countries and of the constituent units of federal States. The main purpose of the first draft convention is to make it easier for a dependant living in one country to obtain a valid and enforceable support order against a defaulter living in another country. This would be accomplished through co-operation between the authorities of the countries concerned. A claimant would apply for support to an agency (called the "transmitting agency") located in the country of residence of the claimant; the transmitting agency would make a preliminary examination of the application and of the evidence submitted; if satisfied that a case was made for transmission, the transmitting agency would then forward the papers to an agency (called the "receiving agency") located in the country of residence of the defendant; the receiving agency would be required to bring suit for support on behalf of the claimant against the defendant before the competent tribunal of the latter's place of residence. The proceedings would be governed by the law of the tribunal; thus a support order issued by the tribunal would be enforceable in the same manner as if the claimant was a resident of the country where the defendant resides. The draft would also give additional facilities to claimants in the transfer of funds, exemption from fees etc.

8. The main purpose of the second draft convention (E/AC.39/1, annex II) is to facilitate the enforcement abroad of a support order issued by a court in the country of residence of the dependant. While the first draft convention would assist primarily those abandoned dependants who have not obtained a support order in the country of their residence, the second draft convention would assist those who, having obtained such support order, are seeking to have it enforced in the country of residence of the defaulter.

9. The Committee of Experts reached the conclusion that the first draft convention could provide a solution compatible with the different legal systems of the countries more directly concerned. Accordingly, the Committee has submitted the first draft to the Council for possible adoption by States as a multilateral convention. In addition, the Committee has submitted the second draft as a model which could be used by States for bilateral treaties or uniform legislation for the purpose of improving existing procedures for the enforcement abroad of family support orders.

Report of the Social Committee

[Original text: English]
[8 April 1954]

1. The Social Committee, under the chairmanship of the Second Vice-President of the Council, Mr. Jiri Nosek (Czechoslovakia), considered at its 257, 258, 259 and 260th meetings (E/AC.7/SR.257 to 260) held on 5, 6, and 7 April 1954, item 17 of the agenda of the Council referred to it by the Council at its 757th meeting held on 31 March 1954.

2. The Committee had before it the following documents: E/2364 and Add.1, E/AC.39/1 and Corr.1 and Add.1, E/AC.7/L.189, E/AC.7/L.190 and Add.1, E/AC.7/L.191 and E/AC.7/L.192/Rev.1.

3. The Committee adopted the attached draft resolution by 16 votes to none, with 2 abstentions.

4. The Committee recommends that it be adopted by the Council.

The Economic and Social Council,

Recalling its resolution 390 H (XIII) requesting the Secretary-General to prepare a working draft of a model convention or of a model reciprocal law, or both, and requesting him to convene a committee of experts with a view to formulating the text of such instruments on the recognition and enforcement abroad of maintenance obligations,

Having considered the report of the Committee of Experts on the Recognition and Enforcement abroad of Maintenance Obligations (E/AC.39/1),

Having noted the importance of the question as reflected in General Assembly resolution 734 (VIII),

Taking account of the valuable work of social agencies in encouraging and facilitating voluntary fulfilment of family obligations and the progress made in reaching international understanding through bilateral and regional conventions,

Recognizing the legal, social and economic difficulties which are to be overcome in the recovery abroad of claims for maintenance,

1. Requests the Secretary-General:

(a) To transmit the report of the Committee of Experts to governments for information and such action as they may deem appropriate;

(b) To ascertain from States Members of the United Nations and those non-Members of the United Nations which are members of any of the specialized agencies whether they consider it desirable to convene a conference of plenipotentiaries to complete the drafting of the convention on the recovery abroad of claims for maintenance, and whether they are prepared to attend such a conference;

(c) To report the result of this consultation not later than the nineteenth session of the Council; and

2. Recommends to governments to use the text of the Model Convention on the Enforcement abroad of Maintenance Orders as a guide for the preparation of bilateral treaties or uniform legislation to be enacted by individual States.

DOCUMENT E/AC.39/1 and Corr.1

Report of the Committee of Experts on the recognition and enforcement abroad of maintenance obligations

[Original text: English and French]
[18 September 1952]

A. DECISION OF THE ECONOMIC AND SOCIAL COUNCIL

1. On 9 August 1951, at its fourteenth session, the Economic and Social Council adopted resolution 390 H (XIII), which reads as follows:

"The Economic and Social Council,

"Having considered the report of the Social Commission (seventh session) on the subject of recognition and enforcement abroad of maintenance obligations, and the preparatory work, reports and discussion on this subject,

"1. Conveys to the International Institute for the Unification of Private Law its appreciation and thanks for the valuable work of the Institute in connexion with its preliminary study on the subject; and

"2. Requests the Secretary-General:

"(a) To take into consideration the draft convention submitted to the Social Commission at its seventh session, the comments received from governments, specialized agencies, and non-governmental organizations, the suggested principles submitted to the Social Commission, as well as the discussions before the Social Commission and the Council, and to prepare a working draft of a model convention or of a model reciprocal law, or both; and

"(b) To convene a committee of experts, consisting of not less than five and not more than nine members and including a representative of the International Institute for the Unification of Private Law, selected by the Secretary-General, with a view to formulating, on the basis of the working draft or drafts prepared by the Secretary-General, the text of a model convention or model reciprocal law, or both, to be submitted to the Council not later than at its sixteenth session for its consideration and recommendations to governments."

B. COMPOSITION, MEETINGS AND ORGANIZATION
OF THE COMMITTEE

2. In accordance with paragraph 2 (b) of the above resolution, the Secretary-General appointed the following persons as members of the Committee of Experts:

Mrs. Marcelle Kraemer-Bach, Member of the Bar, Paris, France;

Professor Kurt Lipstein, Trinity College, Cambridge, United Kingdom, replacing Professor Harold Cooke Gutteridge, University of Cambridge, United Kingdom, who was unable to attend;

Mr. Mario Matteucci, Secretary-General of the International Institute for the Unification of Private Law, Rome, Italy;

Professor Eduard Maurits Meijers, Leyden, Netherlands; Mr. Anis Saleh, Director-General at the Ministry of Justice, Beirut, Lebanon;

Professor Francisco Clementino de Santiago Dantas, Member of the Bar, Rio de Janeiro, Brazil;

Professor Hessel Edward Yntema, University of Michigan, Ann Arbor, Michigan, United States of America.

3. The Committee met in Geneva from 18 to 28 August 1952 and held eighteen public meetings. Special questions were considered by sub-committees and working parties.

4. The session was opened, on behalf of the Secretary-General of the United Nations, by Mr. W. Moderow, Director of the European Office of the United Nations, who attended the first meeting. During the session, the Secretary-General of the United Nations was represented by Mr. Paolo Contini (Legal Department, United Nations Headquarters) as legal adviser and by Mr. Witold Langrod (Department of Social Affairs, United Nations Headquarters) as Secretary of the Committee.

5. Mr. G. J. van Heuven Goedhart, United Nations High Commissioner for Refugees, spoke at the first meeting of the Committee. During the session, he was represented by Mr. Paul Weis.

6. The Director-General of the International Labour Office was represented in the Committee by Mr. G. Koullscher and by Miss B. Berkowich.

7. The following non-governmental organizations, all of which have consultative status (category B), were represented during the Committee's session:

International Social Service:

Miss S. Ferrière;

Catholic International Union for Social Service:

Miss J. de Romer, Miss R. de Lucy-Fossarieu;

International Union for Child Welfare:

Miss L. Frankenstein;

International Union of Catholic Women's Leagues:

Miss J. de Romer, Miss R. de Lucy-Fossarieu.

In addition, the Third Conference of Non-Governmental Organizations Interested in Migration, of which a great number of international organizations having consultative status or included in the Register are members, had also asked to be allowed to send an observer. That request was granted and the delegate from the International Social Service, Miss S. Ferrière, represented the Third Conference also.

8. Professor Eduard Maurits Meijers was elected Chairman of the Committee, Professor Hessel Edward Yntema, Vice-Chairman and Mr. Mario Matteucci, Rapporteur.

C. DOCUMENTS SUBMITTED TO THE COMMITTEE

9. In accordance with paragraph 2 of resolution 390 H (XIII) of the Economic and Social Council, the Secretary-General prepared and presented to the Committee as working papers the two following drafts:

(a) A model convention on the enforcement abroad of maintenance obligations (E/AC.39/L.3 and Corr.1).

(b) A model bilateral agreement on the enforcement abroad of maintenance obligations (E/AC.39/L.6).

10. In addition, the Committee had before it a number of documents which had been prepared when the Social Commission and the Economic and Social Council had

considered the question of the recognition and enforcement abroad of maintenance obligations in 1951. Those documents included the Secretary-General's report, the draft convention and explanatory report of the International Institute for the Unification of Private Law, and the comments of the Governments of Argentina, Belgium, Burma, Canada, Chile, Denmark, Egypt, India, the Netherlands, Norway, Pakistan, the Philippines, Sweden, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America; the comments of two specialized agencies, the International Labour Organisation and the International Refugee Organization; the comments of the following non-governmental organizations: the International Committee of the Red Cross, the International Confederation of Free Trade Unions, the Canadian Welfare Council, the Family Welfare Association, the International Law Association, the Catholic International Union for Social Service, the Inter-Parliamentary Union and the United Service for New Americans (E/CN.5/236 and addenda). The Committee had before it also a resolution adopted by the Second Conference of Non-Governmental Organizations interested in Migration (E/CN.5/L.133) and the documents and summary records of the relevant discussions in the Social Commission (E/CN.5/L.136, E/CN.5/L.143, E/CN.5/SR.171 and 172) and in the Economic and Social Council (E/1982,² paras. 134 to 140, and E/SR.494) and its Social Committee (E/AC.7/L.89 and E/AC.7/SR.184 and 185).

11. The Committee also had before it the resolution adopted by the Third Conference of Non-Governmental Organizations interested in Migration (E/AC.39/L.2), a communication from the International Union for Child Welfare relating to illegitimate children whose fathers belong or belonged to troops stationed outside their home countries (E/AC.39/L.7) and a note from the International Labour Office in connexion with the transfer of funds (E/AC.39/L.8).

D. AGENDA

12. The Committee adopted the following agenda:

1. Election of officers
2. Adoption of the agenda
3. General Discussion
4. Consideration of drafts submitted by the Secretary-General
5. Adoption of the report

E. GENERAL CONSIDERATIONS

13. The Committee wishes first of all to express its appreciation of the initiative taken by the Economic and Social Council to facilitate the recovery abroad of maintenance obligations. The Committee accepted the assignment with enthusiasm, recognizing the social importance of the subject and the importance, from the point of view of legal technique, of formulating for the first time a convention seeking to resolve the difficulties arising from the diversity of legal systems in the field of maintenance obligations.

14. It has long been desirable to establish, either by convention or by uniform law, a practical system for prosecuting and enforcing abroad maintenance obligations. The situation arising from the abandonment of a family by the breadwinner, while the latter virtually enjoys

² See *Official Records of the Economic and Social Council, Thirteenth Session, Supplement No. 12.*

immunity by reason of legal obstacles to effective prosecution, has always called for a solution by different States. This situation has recently become a real social problem because of the mass movements of populations and more frequent movements by individuals. These phenomena are related to improved transportation facilities and migratory movements, as well as events connected with the Second World War, including displacement of refugees, military occupation, and temporary stationing of armed forces abroad.

15. At the same time, the restrictions imposed in a number of countries on the transfer of funds, due to a protracted shortage of foreign currency, have made it difficult for immigrants to remit money to their families. Thus, in addition to cases of wilful abandonment, instances of voluntary failure to provide support have arisen.

16. As a consequence of all these factors, the problem has increased and has become very urgent.

17. A claimant seeking to effect recovery on claims for maintenance when the respondent is in a foreign country has two courses open to him, each beset with difficulties. First, he may apply to the court in the State where he resides for an order against the respondent and then apply for the enforcement of the order in the State in which the respondent is present. In order that enforcement may be obtained it is first necessary that the court before which the maintenance claim is brought have jurisdiction. In most countries, this condition will not be deemed to be satisfied unless the respondent resides in the State of the court before which the action is brought or unless notice was served on the respondent in the territory of that State. In addition to that preliminary difficulty, very serious difficulties arise when application for enforcement of an order is made to a court of the State in which the respondent resides. These difficulties arise out of the different legal effect given to foreign judgments under different legal systems: under certain legal systems a foreign judgment is enforceable as such if the conditions required by the law of the enforcing court are satisfied; other systems treat a foreign judgment as evidence which the claimant may adduce in a new action before the courts in the State in which the respondent resides. Although this different effect given to foreign judgments may not in the end lead to substantially different results, it nevertheless has important procedural consequences, particularly in connexion with the time limit for the action. It is because of the different concepts as to foreign judgments that treaties dealing with the enforcement of such judgments have in general been concluded only between States with similar legal systems. In addition to these legal aspects, there also arise considerations of a psychological character. Recognition and enforcement of a foreign judgment denote confidence in the court which delivered the judgment, and in the present state of international relations it is difficult to conclude multilateral conventions on this subject. Alternatively, a claimant may commence proceedings directly in the country in which the respondent resides. In such case, the obstacles confronting a claimant are primarily of a practical and financial nature, although there are legal difficulties as well. A foreigner or a person residing abroad is often not permitted to sue unless he deposits security for costs. Furthermore, in some cases a court may, in accordance with its rules of procedure, require the parties to appear personally.

18. The practical difficulties common to both procedures are twofold. First, it is necessary for a claimant to retain counsel in a foreign country, and to bear the high cost of litigation—factors which may deter a claimant

from pursuing his action. Secondly, it may be impossible to present to the court evidence gathered in the country where the claimant resides, and where the maintenance obligation normally originates.

19. In order to resolve these problems, some of the states of the United States have adopted uniform laws under which a very satisfactory form of co-operation is established between the judicial authorities of the state in which the claimant is present and those of the state in which the respondent is present. This solution, however, is possible only when documents can be transmitted with facility and when there are similarities in the laws of procedure which can only obtain among states within a federal system.

20. Finally, reference should be made to the difficulty arising from the fact that payments in satisfaction of maintenance obligations are made in instalments. This increases the difficulties faced by an attorney in the enforcement stage.

21. The two drafts submitted by the Secretary-General to the Committee represent two different ways of dealing with the problem, one based on the enforcement abroad of an order previously rendered, and the other based on the commencement abroad of proceedings for maintenance. The first system (E/AC.39/L.3) seeks to achieve uniformity in the procedures of different countries regarding the enforcement of foreign orders; it contains provisions which may be applicable to countries whose laws provide for the exequatur procedure and to those whose laws provide for the registration of foreign judgments. The second draft (E/AC.39/L.6) is based on the system of uniform laws in the United States of America. This provides for close co-operation between the judicial authorities of the two States concerned, whereby proceedings may be initiated before a court in one State and continued before a court in the second State, and it is possible for the two courts to assist each other in the course of the proceedings, particularly as regards the carrying out of inquiries. Both drafts provide facilities for the benefit of the claimant, such as exemption from legal costs and free legal aid.

22. After an exhaustive study of the two preliminary drafts, the Committee reached the conclusion that a new solution of the problem could not be effected by attempting to achieve uniformity in the laws of different countries as regards the enforcement of foreign judgments. Such a solution would cover only some of the cases which might arise; it would not cover most cases, where an order is sought against a respondent in a foreign country, because in such cases, under existing law, the jurisdiction of the court of the country where the claimant is present is not recognized. Consequently a great many orders would not be capable of enforcement abroad and, even if it was possible to obtain the exequatur, it would be necessary to establish close co-operation between the courts dealing with the exequatur proceedings and the courts of the other country.

F. SYSTEMS CONSIDERED BY THE COMMITTEE

23. For the reasons explained above, the Committee deemed it advisable to develop the system contained in the Secretary-General's second draft (E/AC.39/L.6), which envisaged the establishment of judicial and administrative co-operation between States and provided for effective legal assistance to claimants for maintenance. Thus it was contemplated that as many States as possible would enter into a convention on the basis of this system. In addition, States could examine the possibility of making further progress by concluding bilateral or multilateral

treaties, or by adopting uniform laws, aimed at achieving a gradual uniformity in the procedure for the enforcement of foreign maintenance orders.

24. In view of the above considerations, the Committee decided to treat separately the question of the enforcement of orders of foreign courts from the question of assistance to claimants for maintenance, and to deal with the latter in a draft multilateral convention. In drafting this convention, the Committee departed from the system of the United States uniform laws, in not adopting the procedure whereby an action is commenced in one court and continued in another. The Committee endeavoured to reduce to the absolute minimum the provisions involving a change in the procedures of the various countries; States were left free to make their own choice of the agencies responsible for carrying out the functions provided in the convention and to employ, if necessary, certain methods of judicial co-operation already familiar in international practice, such as letters of request.

25. The procedure envisaged by the draft multilateral convention (annex I) prepared by the Committee will provide for the following:

(a) A preliminary and summary hearing in the country where the claimant resides, the findings of which can be used by the court where the action is commenced;

(b) Immediate and direct transmission of documents and evidence to an agency in the other country, so as to avoid the loss of time which is inevitable when papers have to be transmitted through diplomatic or consular channels;

(c) The prosecution by the above-mentioned agency of maintenance actions on behalf of the claimant in the courts of the respondent's country;

(d) All possible facilities with regard to legal aid and the transfer of funds payable on account of maintenance obligations.

26. The above system will be carried out by the following organs:

(a) An agency in the claimant's country which will deal with the preparatory work and then transmit the papers to the agency in the country where the respondent resides;

(b) An agency in the respondent's country which will receive the papers transmitted to it by the agency referred to in sub-paragraph (a) above and prosecute the action on behalf of the claimant.

The procedure outlined above may also be used in applying for the exequatur or registration of a judgment rendered by a competent court or in bringing a new action based on the original judgment. In such cases, the applicant will enjoy the same facilities as are provided under the system established by the draft for claimants who have not obtained a judgment.

27. With regard to the draft on the enforcement abroad of maintenance obligations (E/AC.39/L.3), the Committee substantially followed the text prepared by the Secretary-General, which was based on the draft of the International Institute for the Unification of Private Law (E/CN.5/236). The Committee considered, however, that, while the draft was not appropriate for use as a model multilateral convention, it should be recommended to governments as a model bilateral treaty or uniform law. Adoption of the draft by several countries as a treaty or as a uniform law would represent further progress.

28. Thus two systems have been suggested by the Committee in its effort to solve the problem of the enforcement abroad of maintenance obligations. The Committee considers that this approach will promote the acceptance, by a rather large number of States, of a

minimum of measures directed at facilitating and expediting the recovery of claims for maintenance. At the same time some countries could make their procedure more uniform, which would be of further benefit to claimants.

G. DRAFT CONVENTION ON THE RECOVERY ABROAD OF CLAIMS FOR MAINTENANCE

Organs of the convention and parties to an action for maintenance

29. Article 1 defines the parties to a claim for maintenance and then the organs for the execution of the procedure under the convention.

30. The parties to a claim for maintenance, designated "claimant" and "respondent" respectively, have been restricted, for the purposes of the convention, to ascendants, descendants and spouses; the convention provides that the terms "ascendant" and "descendant" mean all persons related in direct line either by blood or by operation of law. Thus the convention would also be applicable to children born out of wedlock and to adopted children. The Committee was of the opinion that by thus restricting the scope of the convention, it would facilitate the adoption of the draft, since the considerable advantages that the draft confers on claimants might not seem justified in the case of persons more remotely related to the respondent and to whom, under certain legal systems, no obligation to provide maintenance is recognized.

31. A situation might arise where a court, in the course of determining whether a person is entitled to maintenance, may have to rule on the existence of a family relationship. It might then be objected that the first question to be decided was one of status and second, one of the payment of money, and that in that case the court would be incompetent under its law to rule on the question of status, and consequently could not entertain the claim for maintenance. In that event the court would, according to its law, either declare itself incompetent, or decide the question of status purely as an incidental question and solely for the purpose of the maintenance order.

32. The agency responsible for assisting the claimant at the preparatory stage is designated the "transmitting agency". Each State will be free to decide whether this agency shall be judicial or administrative, to appoint several transmitting agencies (article 2, paragraph 1) and to entrust to separate agencies the various functions of the transmitting agency in connexion with the preparation and transmission of the papers. The Committee did not wish to impose on States the obligation to establish new organs; States will be free to use already existing organs, which may be either the court before which the action for maintenance is brought, or some administrative agency of the State, or a receiving agency of the type referred to in article 2, paragraph 4, or any welfare agency. The Contracting States are not obliged to designate the transmitting agency, since that is an internal matter. The simplest solution would be for the State in whose territory the claimant is present or resides, to instruct one agency to collect the necessary documentary evidence on which the action is based, and another agency in its territory to transmit the papers to the competent authority abroad. A local authority would be the most appropriate organ for the collection of documents and the hearing of witnesses, while a central authority would be preferable for the transmission of papers abroad and communication with a foreign agency having similar functions. Nevertheless, as already mentioned, the draft refrains from laying down any rule and leaves each State free to adopt such procedure as it deems most appropriate.

33. The Committee made provision for the contingency where no transmitting agency has been designated. In order to ensure the effective operation of the convention, it was decided that, in such case, any authority having the power to give maintenance orders might act as the transmitting agency.

34. On the other hand, as regards the "receiving agency", the draft imposes on Contracting States the obligation to designate such an agency—this measure being essential to the operation of the system—and to confer upon it the powers necessary to make effective the provisions of the convention. In particular, the receiving agency is empowered to initiate legal proceedings on behalf of the claimant.

35. The designation of transmitting agencies and any changes in the designation of transmitting and receiving agencies must be notified to the Contracting Parties.

36. A noteworthy innovation is to be found in the provision that agencies in different countries are empowered to correspond with each other directly, thus avoiding bureaucratic delays.

37. The operation of the convention is subject to the condition that the claimant shall be resident or present in the territory of one of the Contracting Parties, and that the respondent shall be within the jurisdiction of another Contracting Party. Thus the criterion adopted by the Committee for the claimant is broader than that applicable to the respondent. Whilst residence or mere presence is considered sufficient for the claimant, as regards the respondent the Committee has decided that the rules of the *lex fori* relating to jurisdiction would apply.

Preparatory stage

38. Articles 3, 4, and 5 lay down a special procedure to be followed in the country where the claimant is present and which serves as the stage preparatory to the commencement of proceedings in the country where the respondent is present. This stage, which consists of the taking of evidence and the transmission of pertinent papers to a receiving agency abroad, is begun by the submission of the claimant's application. The draft does not require a summons to be served on the respondent, because in many cases that would be impracticable or without effect. Furthermore, the method adopted seems preferable in view of the fact that the functions of the transmitting agency are of a preliminary character and do not form part of the judicial proceedings to be subsequently commenced.

39. The application must include all data necessary for the commencement of proceedings at the later stage, and the supporting documents must be attached. The claimant may also request a preliminary hearing.

40. The transmitting agency is required to make a summary examination of the application and the accompanying documents. It may either conduct the hearing itself, or delegate this duty to the competent authorities, if it is permitted by law. Each State will decide which course to adopt according to its administrative structure and practice.

41. The transmitting agency will summarily determine whether the documents and the evidence presented at the hearing make out a case for transmission to the receiving agency. If the agency so determines, the reasons for such determination will be added to the papers. In this delicate matter it seemed advisable to give very wide discretionary powers to the agency responsible for the preliminary operations.

42. Transmission may be dispensed with if, after the documents have been collected and the hearing held, the claimant prefers to withdraw the papers and transfer them directly to his own counsel so that the latter may institute proceedings before a competent court. In that event the preparatory stage will end with the operations described in this section and the proceedings will take place abroad at the initiative of the claimant.

Legal proceedings against the respondent

43. Legal proceedings begin in the country within whose jurisdiction the respondent is present. The receiving agency of that country, on receipt of the papers, is required to commence proceedings against the respondent, in accordance with its rules of procedure, and, if necessary, with the assistance of counsel. For this purpose, it is authorized to cause proceedings to be instituted (article 7). The initiation of proceedings at the instance of the receiving agency constitutes one of the most novel aspects of the draft: it makes it possible to proceed against the respondent in accordance with its normal rules of procedure, and, at the same time, enables the claimant to avoid the difficulties of finding a lawyer or appearing in person before a foreign court.

44. Furthermore, the documents and records of any preliminary hearing forwarded by the transmitting agency provide the court with information which will be valued by the court in accordance with its rules of law. The Committee did not consider that it should lay down rules regarding the probatory value of the evidence collected during the preparatory stage; in most cases, such evidence will establish a *prima facie* case which may be rebutted by evidence to the contrary. In view, however, of the urgent nature of applications for support, the draft authorizes the court before which a case is brought, to issue, on the basis of the papers transmitted, an interim order for the payment of maintenance while proceedings are pending (article 7, paragraph 3), even when the applicable law does not permit the use of such evidence.

45. It may be necessary, before the completion of the proceedings, to obtain further evidence which, in most cases, will be taken in the country where the claimant is present. It is in order to expedite such taking of evidence that the draft provides, in article 8, for letters of request, when such procedure is recognized by the law of the two States concerned. Here too, a considerable saving of time is achieved by the direct transmission of documents between the court and the requested authority, as well as by the establishment of a time limit of four months for the execution of the letters.

46. The system and procedure provided for in the draft may be used by a claimant for the purpose of obtaining the modification—if allowed under applicable law—of an order given by the court under whose jurisdiction the respondent was present. It may also be used for the enforcement of an order given in the country where the claimant was present, either by way of exequatur or by a new action based upon the initial order (articles 6 and 9).

Exemptions and facilities granted to claimants

47. The draft provides that claimants residing abroad shall be treated in the same way as persons residing in the country of the authority before whom the case is brought, in respect of exemption from costs and charges incurred in proceedings before the receiving agency and the court (article 10, paragraph 1). In considering whether such exemption should be granted, the court must take into account the information supplied by the transmitting agency (article 5, paragraph 1).

48. Exemption from bond or other security if the law requires any bond or security of persons residing abroad is a further aspect of this equality of treatment. An exception, however, is the special case which may arise in a federal State (article 10, paragraph 2).

49. Article 11 makes provision for facilitating and expediting the free international transfer of funds payable on account of maintenance obligations judicially established in the courts of the contracting parties in the cases contemplated in the convention. In case of exchange restrictions, States undertake to accord to such transfers the highest priority provided for capital services (article 11, paragraph 1). On the other hand, safeguards are provided, in the second paragraph of article 11, to prevent fraud and misrepresentation, and particularly the use of transferred funds for purposes other than the *bona fide* payment of maintenance obligations.

Final provisions

50. Like all international conventions, the draft includes a number of standard final clauses. These clauses call for no special comment: contracting parties, by separate agreements or domestic legislation, may settle any matters insufficiently regulated by the convention; the convention is open for accession to any Member of the United Nations, any non-Member State which is Party to the Statute of the International Court of Justice or member of a specialized agency, and any other non-Member State to which an invitation has been addressed by the Economic and Social Council; any dispute which may arise between any two or more contracting parties concerning the interpretation or application of the convention which is not settled by negotiation shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement. Should the Court not have jurisdiction, the dispute would be referred for decision to an arbitrator appointed by the President of the Court (jurisdictional provision contained in article 18).

51. Finally, the sovereignty of states members of a federal State is safeguarded by a special clause which relieves a federal State of any obligation under the convention which is not within its constitutional competence.

H. DRAFT OF A MODEL CONVENTION ON THE ENFORCEMENT ABROAD OF MAINTENANCE ORDERS

52. The difficulties entailed in obtaining the enforcement abroad of a maintenance order have been mentioned in the general considerations. The purpose of this convention is to simplify the procedure for the enforcement of foreign maintenance orders and to extend to dependants certain facilities and exemptions which would reduce the expenses involved in securing the satisfaction of their claim.

Field of application of the convention

53. The convention is principally intended to deal with the enforcement abroad of maintenance orders made by judicial authorities (article 1(a)). However, the Committee felt that the benefits of the convention should extend also to other enforceable instruments (such as orders of administrative authorities and arbitral awards) by which it is possible in some countries to require a respondent to provide for the maintenance of dependants (article 14).

Procedure for enforcement

54. A dependant in whose favour a maintenance order was given may make an application to the enforcing court in the country where the respondent is to be found either directly or through an authority in that country to be designated by the contracting parties (article 4, paragraph 3). The Committee is of the opinion that a State which may become party to the draft convention contained in annex II should extend to the receiving agency to be designated under that convention the functions laid down for this project.

In the latter case that authority is enabled to cause the institution of execution proceedings before the enforcing court on behalf of the applicant. Thus a dependant, who at the present time often finds it very difficult to ascertain which foreign court is competent to receive his application, could submit such application to a specific authority appointed by the State where the respondent is present. Furthermore, by providing for an *ex officio* prosecution of the action by that authority, the convention would make it unnecessary for the dependant to go to the country of the enforcing court or to incur the expense of retaining an attorney.

55. The convention would leave the Contracting Parties free to designate either a public or a private agency for the purpose of performing those functions and others mentioned in article 9.

56. Article 4 contains a list of the documents which are to be submitted together with an application for enforcement, whether such application is made directly or through the designated authorities.

Conditions of enforcement

57. Article 2 sets forth the conditions which a maintenance order made in the territory of one Contracting Party must fulfil to be accorded enforcement in that of the other Contracting Party. These conditions are basically similar to the conditions generally imposed by national laws or by treaty with respect to the enforcement of foreign judgments. Thus for instance the enforcing court must be satisfied that the original court had jurisdiction, that the maintenance order is enforceable in the country of the original court, that it is not subject to review in that country and that the enforcement of the order would not be manifestly contrary to public policy in the country of the enforcing court. By using the word "manifestly" the Committee intended to limit the exception of public policy to cases in which the enforcement of a foreign maintenance order would be truly incompatible with the basic principles governing the provisions of the law of that country.

58. With respect to the requirement that the original court must have had jurisdiction, the convention establishes in article 3 that the competent courts are:

(a) The courts of the country in which the respondent was resident when the proceedings were instituted;

(b) The court to the jurisdiction of which the defendant submitted either expressly or by arguing on the merits of a matter without reservation as to jurisdiction.

It should be observed that both the preliminary draft prepared by the International Institute for the Unification of Private Law (E/CN.5/236) and the Secretary-General's working draft (E/AC.39/L.3) included among the competent courts also the courts of the country in which the dependant was resident when the proceedings were instituted. The Committee realizes that in numerous cases a debtor moves to another country before his dependants have been able to obtain a judgment in the country where they reside. Although the Committee is aware that the

exclusion of the competence of the courts of residence of the dependants will bar many persons from availing themselves of the benefits of this convention, it considers that no exception should be made to the jurisdictional principle that a court cannot acquire jurisdiction over a defendant who is in another country and has not submitted expressly or implicitly to the jurisdiction of that court. It should also be stressed that dependants who have been unable to obtain in the country of their residence a judgment against an absent defendant would be able to enjoy the benefits of the draft convention on the recovery abroad of claims for maintenance (annex I).

Granting of enforcement

59. If the conditions mentioned in articles 2 and 3 are fulfilled, an enforcing court would be required under the convention to grant execution of the maintenance order. The convention provides for alternative methods of enforcement for countries familiar with the exequatur or registration procedure and for countries in which such procedure is unknown. However the effect of the enforcement would be the same under the two methods, namely, a dependant would be able to obtain execution of a maintenance order against a person who had moved to another country.

60. Since the enforcing court is generally in a better position to ascertain the financial conditions of the debtor within its jurisdiction, it is provided in article 8 that, upon application by either party, the enforcing court may make such variation as it thinks fit in the amount and rate of payments.

Other provisions

61. The provisions concerning the granting of exemptions and facilities to applicants and facilitating the transfer of funds are substantially the same as the corresponding articles contained in the draft convention on the recovery abroad of claims for maintenance. The same is true for the final clauses, except for some minor changes made necessary to adapt those clauses to the bilateral arrangement contemplated under this convention.

I. SUGGESTIONS REGARDING CO-OPERATION BY NON-GOVERNMENTAL ORGANIZATIONS

62. Noting that the facilities granted by the two draft conventions are such as appreciably to improve the position of claimants for maintenance, the Committee

considers it desirable that the system laid down in those drafts should be completed by the establishment or development in all States of free legal aid to claimants. Such aid should be extended to indigent aliens. It would be additional to action by the agencies contemplated in the proposed convention, and would simplify the performance of these humanitarian tasks.

63. Conscious of the efforts that have been made for years in the field of assistance to the families of emigrants by non-governmental welfare organizations, the Committee is grateful to them for the assistance they have given by their observations; it expresses the hope that they will continue through their welfare services to assist indigent families to secure maintenance from those who owe them a duty of support, and will increase such assistance as much as possible. Finally, the Committee expresses the hope that the Secretary-General would assist such organizations in developing and co-ordinating their activities in this field.

J. CONCLUSIONS

64. As a result of the consideration by the Committee of the two draft conventions submitted by the Secretary-General to improve the existing legal means for the recovery abroad of claims for maintenance, the Committee has reached the following conclusions:

(a) Despite the differences which exist among legal systems, it is possible to find a solution compatible with those systems and capable of being incorporated in a multilateral convention, the adoption of which would represent a real improvement over the present situation.

(b) It would also be possible to bring about among certain States an improvement of the present procedures for the execution abroad of maintenance orders, by the adoption of bilateral treaties or by uniform legislation.

65. For these reasons, the Committee has the honour to submit to the Secretary-General two draft conventions (annexes I and II) and to request him to submit them for consideration to the Economic and Social Council:

Annex I—A draft convention on the recovery abroad of claims for maintenance, which could be adopted by States as a multilateral convention.

Annex II—A draft of a model convention on the enforcement abroad of maintenance orders, which could be used by States as a model for bilateral treaties or uniform legislation to be enacted by individual States.

Annex I

DRAFT CONVENTION ON THE RECOVERY ABROAD OF CLAIMS FOR MAINTENANCE

PREAMBLE

Considering that the situation of dependants left without means of support by persons in another country constitutes a pressing humanitarian problem; and

Considering that the prosecution or enforcement abroad of claims for maintenance gives rise to serious legal and practical difficulties; and

Considering that it is therefore necessary to facilitate the prosecution of claims and the enforcement of judgments for maintenance, in cases where the claimant resides or is present within the territory of one Contracting Party and the respondent is present within the jurisdiction of another Contracting Party,

Wherefore the Contracting Parties have agreed as follows:

Article 1

DEFINITIONS

In this Convention:

(a) "Claimant" means the person who claims to be entitled to maintenance by an ascendant, descendant, or spouse. The terms "ascendant" and "descendant" mean all persons related in direct line either by blood or by operation of law;

(b) "Respondent" means the person from whom maintenance is claimed;

(c) "Transmitting agency" means the agency appointed to assist claimants within its territory and to expedite the transmission abroad of papers in order to facilitate the prosecution of maintenance claims;

(d) "Receiving agency" means the agency designated by each Contracting Party to receive from transmitting agencies papers relating to claims for maintenance and to assist claimants in the territories of other Contracting Parties in the prosecution of such claims.

Article 2

DESIGNATION OF AGENCIES

1. Each of the Contracting Parties may designate one or more agencies which shall act in its territory as the transmitting agency. Such transmitting agency may be a judicial or administrative agency in accordance with the law of each Contracting Party.

2. The different functions of the transmitting agency in the preparation of the papers in the case and their transmission to the receiving agency may be entrusted to separate authorities.

3. In the event that one of the Contracting Parties has not designated a transmitting agency, any authority having the power to render maintenance orders may act as a transmitting agency.

4. Each of the Contracting Parties shall, at the time when the instrument of ratification or accession is deposited, designate a receiving agency, public or private; such receiving agency may be designated a transmitting agency within the meaning of paragraph 1.

5. Each Contracting Party undertakes to communicate without delay to the other Contracting Parties any designation of the transmitting agency and any change which may occur in the designation of the receiving or transmitting agency.

6. The agencies contemplated in the preceding paragraphs are authorized to communicate directly with corresponding agencies in the territories of other Contracting Parties.

Article 3

PRESENTATION OF CLAIMS

1. If a claimant resides or is present within the territory of one Contracting Party and the respondent is present within the jurisdiction of another Contracting Party, the claimant may make application to the transmitting agency of the State in which such claimant resides or is present, requesting such agency to transmit the necessary papers relating to his claim to the receiving agency of the State where such respondent is present.

2. A hearing may be held, on the motion of the transmitting agency or at the request of the claimant, providing the law of the State of such agency so allows.

Article 4

APPLICATION

1. The application shall state:

(a) The name, nationality, profession, age and address of the claimant;

(b) The name, nationality, profession, age and address of the respondent, in so far as known to the claimant;

(c) The relief sought, indicating the amount and the manner of the payment;

(d) The grounds upon which the claim is based and any other pertinent information, in particular as regards the financial and the family circumstances of the claimant and of the respondent;

(e) The names and addresses of witnesses, if a hearing is requested by the claimant.

2. The application shall be accompanied by all pertinent documents, and by a statement of the places where supplementary documents may be found.

Article 5

TRANSMISSION OF CLAIMS FOR MAINTENANCE

1. The transmitting agency shall summarily determine whether the application, the accompanying documents, and the evidence presented at any hearing which may have been held, make out a case for transmission to the receiving agency. If the agency so determines, the reasons for such determination and, where appropriate, evidence of the claimant's need of free legal aid and exemption from costs shall be added to the papers in the case.

2. Such papers, duly certified and listed in an inventory, together with the transcript of any hearing which may have been held, shall be transmitted directly and without delay by the transmitting agency to the receiving agency designated by the State in which the respondent is present, unless such papers are withdrawn by the claimant for direct transmission to a counsel chosen by him.

Article 6

TRANSMISSION OF CLAIMS REDUCED TO JUDGMENT

A claimant who has recovered a judgment for maintenance may make application to have the record of the judgment transmitted under the provisions of Articles 3 and 5 as evidence of the claim. In such case, the record may substitute for the documents prescribed in Article 4, and the proceedings contemplated in Article 7 may include, in accordance with the law of the tribunal in which such proceedings are instituted, proceedings by exequatur or by a new action based upon the initial judgment.

Article 7

PROCEEDINGS IN THE COMPETENT TRIBUNAL

1. In the absence of a duly legalized declaration to the contrary by the claimant, the receiving agency, upon receipt of the papers in the case, shall be authorized to cause proceedings to be instituted and prosecuted in a competent tribunal, as well as to procure the execution of such judgment as may be rendered, and shall do so without delay.

2. The law of the tribunal shall govern such proceedings.

3. If, under the law of the tribunal, the papers submitted do not constitute evidence, the tribunal may, nevertheless, after examining the papers, make an interim order for the payment of maintenance while the proceedings are pending.

Article 8

LETTERS OF REQUEST

If provision is made for letters of request in the laws of the two Contracting Parties concerned, the following rules shall apply in the proceedings contemplated in Article 7:

(a) If the tribunal deems it necessary to obtain further evidence and, in particular, to have the facts ascertained by a hearing in another country, it may address letters of request either to the competent tribunal of the State where the evidence is to be taken or to any other authority or institution designated by the State where the request is to be executed.

(b) In order that the parties may attend or be represented, the requested authority shall give notice of the date on which and the place at which the proceedings requested are to take place, to the receiving agency of the State wherein the respondent is present and to the transmitting agency of the State wherein the claimant resides or is present, or, in case a transmitting agency has not been designated, directly to the claimant.

(c) Letters of request shall be drawn up either in the language of the requested authority or in a language agreed upon between the two interested States, or it shall be accompanied by a translation into one of such languages, certified by a sworn translator of the requesting or of the requested State.

(d) Letters of request must be executed within a period of four months, dating from the receipt of the letters by the requested authority.

(e) The execution of letters of request shall not give rise to reimbursement of fees or costs of any kind whatsoever. Nevertheless, in the absence of agreement to the contrary, the requested State shall be entitled to demand of the requesting State reimbursement of payments made to witnesses or to experts, and of costs which may have been incurred by the failure of one or more witnesses to appear voluntarily.

(f) Execution of letters of request may only be refused:

(1) If the authenticity of the letters is not established;

(2) If the State in the territory of which the letters are to be executed deems that its sovereignty or safety would be compromised thereby.

Article 9

VARIATIONS OF MAINTENANCE ORDERS

The provisions of this Convention apply also to applications for variation of maintenance orders.

Article 10

EXEMPTIONS AND FACILITIES

1. Claimants residing or present in the territory of another Contracting Party shall be given equal treatment, and shall be granted the same exemptions in the payment of the costs and charges incurred in any proceeding under this Convention, as residents of the State where such proceedings occur.

2. If the law of the tribunal requires any bond or other security of persons residing or present abroad, claimants residing or present in the territory of another Contracting Party shall be exempt therefrom in all proceedings under this Convention unless, in the case of a Federal State, such exemption would discriminate as against claimants residing or present in other member states or sub-divisions of such federal State.

3. No fees shall be chargeable for certification and legalization of documents in any proceeding under this Convention.

Article 11

TRANSFER OF FUNDS

1. In order to ensure and expedite the free transfer to the territories of other Contracting Parties of funds payable on account of maintenance obligations judicially established in the courts of a Contracting Party in the cases contemplated in this Convention, each such Party undertakes, in case of exchange restrictions, to accord to such transfers the highest priority provided for capital services.

2. Each Contracting Party reserves the right:

(a) To take the necessary measures to prevent transfers of funds pursuant to paragraph 1 for purposes other than the *bona fide* payment of existing maintenance obligations;

(b) To limit the amounts transferable pursuant to paragraph 1, to amounts necessary for subsistence.

Article 12

SUPPLEMENTARY ARRANGEMENTS

In order to facilitate compliance with the provisions of the present Convention, the Contracting Parties may, by domestic legislation, or by bilateral or multilateral conventions, provide for any matters not regulated, or insufficiently regulated, in the present Convention.

Article 13

REMEDIES OUTSIDE THE CONVENTION

The remedies provided in this Convention are in addition to, and not in substitution for, any other remedies.

Article 14

FEDERAL STATE CLAUSE

No provision of this Convention shall be deemed to affect, or to impose any obligation in respect of, any matter not within the constitutional competence of a federal State, a Party to this Convention.

Article 15

RATIFICATION AND ACCESSION

1. This Convention shall be open for ratification or accession on behalf of any Member of the United Nations, any non-Member State which is Party to the Statute of the International Court of Justice, or member of a specialized agency, and also any other non-Member State to which an invitation has been addressed by the Economic and Social Council. Ratification or accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

2. The word "State" as used in the preceding paragraph shall be understood to include the territories for which each Contracting Party bears international responsibility, unless the State concerned, on ratifying or acceding to the Convention, has stipulated that the Convention shall not apply to certain of its territories. Any State making such a stipulation may, at any time thereafter, by notification to the Secretary-General extend the application of the Convention to any or all of such territories.

Article 16

ENTRY INTO FORCE

1. This Convention shall come into force on the thirtieth day following the date of deposit of the second instrument of ratification or accession in accordance with Article 15.

2. For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the date of the deposit by such State of this instrument.

Article 17

DENUNCIATION

Any Contracting Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 18

SETTLEMENT OF DISPUTES

Any dispute which may arise between any two or more Contracting Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall at the request of any one of the parties to the dispute be referred to the International Court of Justice, or, in case the latter should not have jurisdiction, to an arbitrator appointed by the President of the International Court of Justice for decision, unless they agree to another mode of settlement.

Article 19

RESERVATIONS

In the event that any State submits a reservation to any of the articles of this Convention at the time of ratification or accession, the Secretary-General of the United Nations shall communicate the text of the reservation to all States which are Parties to this Convention and to the other States

referred to in Article 15. Any Contracting Party which objects to the reservation may, within a period of ninety days from the date of the communication, notify the Secretary-General that it does not accept it. Any State thereafter acceding may make such notification at the time of its accession. In such case the Convention shall not enter into force as between the objecting State and the State making the reservation.

Article 20

DEPOSIT OF CONVENTION, AND LANGUAGES

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies thereof to all States referred to in Article 15.

Annex II

DRAFT OF A MODEL CONVENTION ON THE ENFORCEMENT ABROAD OF MAINTENANCE OBLIGATIONS

[For the text, see Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 527 (XVII), annex.]

DOCUMENT E/AC.39/1/Add.1

Statement of the International Social Service

[Original text: English]
[18 March 1954]

Note by the Secretary-General

Reference is made to paragraph 10 of the report of the Committee of Experts on the Recognition and Enforcement abroad of Maintenance Obligations (E/AC.39/1) concerning the comments received on the question from the various non-governmental organizations in response to the Secretary-General's request. In this connexion the Secretary-General has recently received comments from the International Social Service. In order to provide the Council with as complete background information as possible on the question covered by the report of the Committee of Experts, the Secretary-General is bringing the statement of the International Social Service to the attention of the Council.

International Social Service, after carefully studying the report of the Committee of Experts on the Recognition and Enforcement abroad of Maintenance Obligations (document E/AC.39/1) and the two proposed draft conventions, urges that action to establish international procedures for the enforcement of maintenance obligations be speeded up. Since the League of Nations first began the study of this subject in 1926, International Social Service has urged international bodies to devise a means by which the obligations of persons responsible for the maintenance of their relatives living abroad can be enforced across national boundaries. It was on the initiative of our organization (then known as the International Migration Service) that the International Institute for the Unification of Private Law undertook in 1929 to draw up a report on maintenance obligations.

We have spoken in the past, as we do now, on behalf of thousands of abandoned women and children who have sought our assistance in securing support from husbands and fathers living in other countries.

International Social Service has twenty-one offices in eleven countries and correspondents in many countries throughout the world. Our organization has been in operation since 1924. Our function is to give counsel and service to families and individuals whose social problems extend beyond the boundaries of the countries in which they live.

Before the Second World War, most of the women who asked our help in securing maintenance from abroad were living in their own countries. Their husbands had emigrated to settle in a new country and in the majority

of cases expected to send for their families as soon as they could afford it. Under these circumstances a woman accepted temporary economic hardship, believing that the husband was saving every penny towards establishing a new home for the family. But it took time for a foreigner to save enough to bring the family to the new country. Immigration restrictions, economic depressions, and prevention of travel because of war contributed to keeping families separated. Ties became weakened, correspondence lessened and often ceased altogether. Frequently the men formed new family ties, having become discouraged at separation that was often beyond their control. Their wives were left with the full burden of supporting their children, who often suffered serious deprivation.

Mass displacement of persons which occurred during and after the war has greatly increased the number of separated families. In some of these families, the men have gone ahead with work contracts, accepted in many cases as the only hope of supporting their wives and children in the future. Some of these men have failed to make provision for their families, leaving them abandoned, often in the barren hopelessness of refugee camps.

In many cases, war brides left in their home countries when their soldier husbands were demobilized have been without support when their husbands failed to send for them. In other cases war brides who have returned with young children to their native countries to visit parents and relatives have found themselves stranded when husbands neglected to send funds for their return travel or for their support abroad.

We have been concerned, too, with that most difficult problem—securing support for illegitimate children from the men who are said to be their fathers. This problem has been multiplied many times by the war. In every country where a foreign military force has been stationed, illegitimate children have been left without support when their soldier fathers returned to their homelands.

For all these families it has been our function to assist when possible in the renewal of broken ties and to secure voluntary support from men in one country for their dependants in another. We have found, in these efforts, that promises of support for dependants overseas are very hard to secure and very uncertain. Payments are irregular and infrequent. When voluntary support is not forthcoming, we are forced to explain to women who

are making their plea for support that there is no way of helping them because there is no international legal machinery to enforce obligations on a man who refuses or neglects to meet his responsibilities.

We recognize that even when a support order has been made by a court, it is difficult to collect money from a man who moves from place to place. Collecting money from a man who has no funds is impossible. We nevertheless believe that procedures for the recognition and enforcement of maintenance obligations should be established to give women and children living abroad the same legal protection of their right to maintenance as they would have if they lived in the same country with the husband and father. Certainly the money which can be collected by courts through such machinery will be of tremendous value and will, in many cases, prevent these dependants from becoming a burden upon the public welfare funds of their own country.

We believe also that there is psychological value for a child in knowing that his father makes a regular contribution to the support of his home, and we know that the bitterness of being abandoned may be somewhat abated for a woman if her husband at least meets some part of the continuing responsibility for his children.

We submit that the existence of international machinery for the enforcement of maintenance obligations would have effect without the necessity of taking court action in every case. Some men will be deterred from deliberately migrating across national boundaries if they know that they will not, by so doing, escape from their legal responsibilities in the country they have left.

We submit further that some men will prefer to send regular support rather than to be forced to do so by court order and that in this respect the efforts of social work agencies to secure "voluntary" support for families will be aided by the fact that compulsion is possible.

We submit also that a man who has gone to establish himself in a new country will be a better citizen of that country when he knows that its institutions require of him responsible behaviour towards his dependants wherever they live, and that migration has not freed him from the obligation to support his family.

Agreements between governments for the enforcement of maintenance obligations have proved themselves useful. In the United States the first Reciprocal State Law to enforce the support of dependants was enacted in 1949. Up to the present 46 States and 4 other United States jurisdictions have enacted such laws. That this mechanism is being increasingly used is demonstrated by the following figures from a single city. In 1951, the Domestic Relations Court in New York City handled 939 cases and collected \$80,000 for dependants under the Reciprocal Support Law. In 1952, this Court handled 1528 cases under this law

and collected \$219,000. In 1953, the cases numbered 2216 and the collections were \$500,000.

Reciprocal laws for the enforcement of maintenance obligations are in force between most of the provinces of Canada, and between some members of the British Commonwealth. The Scandinavian countries adopted a convention in 1931 providing for reciprocal action to secure support for dependants.

We do not claim competence to appraise the practicability of the proposed draft conventions in their legal details. It appears to us, however, that the report of the Committee of Experts, now being discussed, provides an ingenious procedure for enforcing maintenance obligations, which can be used between countries with widely differing legal systems. The proposal now presented permits a shift of emphasis from the enforcement of a foreign maintenance order to facilitating the obtaining of the order in the country where the respondent resides. It would appear, then, that the proposed draft convention (annex I) would leave the courts of each country free to treat a case involving support for a dependant living abroad as they would treat a similar case involving support for a resident of their country.

We approve the provisions contained in both annex I and annex II to the report of the Committee of Experts, providing for expediting and facilitating the transfer of funds in payment of maintenance obligations.

We also wish to express our complete approval of the fact that the suggested convention is applicable to adopted children and to children born out of wedlock. We believe, however, that in the administrative arrangements which will be required for the implementation of the proposed convention, each country will need to devise criteria for the transmission of cases which involve applications for support where the existence of a family relationship could be questioned.

Our extensive experience in attempting to secure voluntary support for illegitimate children from their alleged fathers convinces us that definition of this sort is essential. Otherwise adoption of these conventions may encourage in many mothers of illegitimate children unfounded hope of securing support for their children from men who, by denying paternity, would raise insuperable issues of status in the establishment of the support obligation. Definition of this kind appears necessary also to minimize the possibility of the initiation of court action which may disturb or disrupt the present family relationships of the man involved when the evidence of paternity is insufficiently substantiated.

In conclusion, International Social Service urges that the Economic and Social Council take favourable action at this session, approving the proposals contained in the report of the Committee of Experts on the Recognition and Enforcement abroad of Maintenance Obligations.

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Document No.	Title	Page	Observations and references
E/2364	Note by the Secretary-General	1	
E/2364/Add.1	Note by the Secretary-General: addendum	2	
E/2567	Report of the Social Committee	3	
E/AC.7/L.189	Ecuador and the United States of America: draft resolution		Mimeographed document only
E/AC.7/L.190	Norway: draft resolution		Ditto
E/AC.7/L.190/Add.1	Financial implications of the draft resolution submitted by Norway (E/AC.7/L.190) — Estimate submitted by the Secretary-General		Ditto

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
E/AC.7/L.191	Argentina, Cuba and Venezuela: amendments to the draft resolution submitted by Norway (E/AC.7/L.190)		Mimeographed document only
E/AC.7/L.192	Argentina, Belgium, Cuba, France and Venezuela: draft resolution		Ditto
E/AC.7/L.192/Rev.1	Argentina, Belgium, Cuba, France and Venezuela: revised draft resolution		Ditto
E/AC.39/1 and Corr.1	Report of the Committee of Experts on the Recognition and Enforcement abroad of Maintenance Obligations	3	
E/AC.39/1/Add.1	Statement of the International Social Service	12	
E/RESOLUTION (XVII)/11	Resolution adopted by the Economic and Social Council at its 784th meeting, on 26 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 527 (XVII)</i>



Agenda item 18: Studies on internal migration

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DOCUMENT E/2544**Memorandum by the Secretary-General**

[Original text: English]
[15 February 1954]

1. At its 754th meeting, the Economic and Social Council decided to include the question of "Studies on internal migration" (General Assembly resolution 733 (VIII)) as an additional item in the agenda of the seventeenth session. The records of the debate on this question in the General Assembly at its eighth session, which the Secretary-General is requested, in the Assembly resolution, to communicate to the Council for its guidance and information, will be found in the summary records of the 507th, 508th and 511th meetings of the Third

Committee. The report of the Third Committee to the General Assembly¹ on the report of the Economic and Social Council (chapters IV and V) also contains an account of the discussion on this subject.

2. The Secretary-General, after consulting the International Labour Organisation, suggests that the Council may wish to refer this question to the Population Commission, which decided at its seventh session to pay increased attention to the subject of internal migration.

CHECK LIST OF DOCUMENTS

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¹ See Official Records of the General Assembly, Eighth Session, Annexes, agenda item 12.



ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS

Agenda item 19: Form of reports of specialized agencies: report by the Administrative Committee on Co-ordination under Council resolution 497 D (XVI)

CONTENTS

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DOCUMENT E/2512

Fifteenth report of the Administrative Committee on Co-ordination to the Economic and Social Council

[Original text: English]
[26 October 1954]

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INTRODUCTION

1. The Administrative Committee on Co-ordination held its seventeenth session at United Nations Headquarters from 6 to 8 October 1953, the necessary preparation for this session having been undertaken by the Preparatory Committee of deputies.

2. Members present were: Mr. Dag Hammarskjöld, Secretary-General of the United Nations (Chairman);

Mr. David A. Morse, Director-General of ILO; Dr. Luther H. Evans, Director-General of UNESCO; Dr. Marcolino Candau, Director-General of WHO; Mr. Eugene R. Black, President of IBRD; Mr. Ivar Booth, Managing Director of IMF; Mr. Edward Warner, President of the ICAO Council, and Mr. Carl Ljungberg, Secretary-General of ICAO; Mr. F. L. McDougall, Special Assistant to the Director-General of FAO (representing Mr. Dodd); and Mr. A. H. Nagle, personal representative of Dr. Swoboda,

Secretary-General of WMO. Others present included: Mr. A. D. K. Owen, Chairman of TAB; Dr. G. J. van Heuven Goedhart, United Nations High Commissioner for Refugees; Mr. Maurice Pate, Executive Director of UNICEF; Mr. Leslie Carver, Acting Director of UNRWA; Mr. J. Thurston, representing the United Nations Agent-General for Korean Reconstruction; and Mr. B. Lukac, Executive Secretary of PC.IMCO; as well as Mr. G. Georges-Picot, Assistant Secretary-General in charge of the Departments of Economic Affairs and of Social Affairs; Mr. H. L. Keenleyside, Director-General of the Technical Assistance Administration, United Nations; and Mr. Martin Hill, Director of Co-ordination for Specialized Agencies and Economic and Social Matters, United Nations.

3. The ACC proposes to hold its eighteenth session in May 1954, at which time it will make a full report to the Council, for consideration at its summer session. The present report contains the observations of the ACC on the problem of reporting by the specialized agencies to the United Nations, as requested by the Council, and on a number of other matters being dealt with by the ACC, on which it considers it would be desirable to report now for the information of the members of the Council and of the appropriate organs of the specialized agencies.

4. The ACC has had under close review its procedures and methods of work with a view to ensuring that they are adapted as circumstances require to changing needs. It will give further consideration to this question at its next session, after which it hopes to report on the matter.

5. The ACC has further considered the problems of relations with certain intergovernmental organizations outside the United Nations framework, to which the ACC and the Advisory Committee on Administrative and Budgetary Questions had previously drawn the Council's attention. While recognizing that these problems call for decisions by the governments concerned, it has explored possible measures of further developing co-operation at the Secretariat level between the United Nations and the specialized agencies on the one hand and inter-governmental organizations on the other, where this is in the common interest and with a view to avoiding duplication of effort and overlapping.

I. FORM OF REPORTS OF SPECIALIZED AGENCIES

6. In accordance with Council resolution 497 D (XVI) of 29 July 1953, the ACC has reviewed the problem of reporting by the specialized agencies to the United Nations in the light of that resolution and of the Council's discussions at its sixteenth session.

7. In considering the various aspects of the question, the Committee has studied the problem as it relates both to the regular reports of the specialized agencies to the United Nations and to the special reports requested of the agencies by various United Nations organs.

Regular reports

8. The Charter of the United Nations, and in particular Article 64, recognizes the role which regular reports from the specialized agencies play in assisting the Council to fulfil its responsibility as the focal point for co-ordinating the activities of the United Nations and the specialized agencies. In implementation of this, the respective agreements between the United Nations and the specialized agencies have provided for the transmission of annual or regular reports. Further, General Assembly resolution 125 (II) called upon the specialized agencies "to present each year, to the session of the Economic and Social

Council preceding the opening of the regular session of the General Assembly, their reports on past activities and their programmes of operations for the subsequent fiscal year...". The Council in its resolution 128 (VI) requested the specialized agencies to submit each year such reports as were appropriate under the terms of their respective agreements with the United Nations, and asked that certain detailed information be included. In its latest resolution on this subject (resolution 497 D (XVI)), the Council has shortened considerably the list of detailed information which it requests the specialized agencies to include in their next annual reports to the Council. As this will considerably facilitate the task of the agencies, the Committee prefers to reserve, until some experience has been obtained of the working of the new arrangements, any suggestions for limiting still further the list of information specifically requested of all agencies in the preparation of the regular reports. In view of the differences in the nature of the work of the specialized agencies, there would appear to be advantage in permitting the agencies as much flexibility as possible, and the Committee hopes that the information which agencies are requested to include in their reports regularly can be confined to the most essential points, leaving information on matters of particular current interest to be requested when actually needed.

9. The Council requested the ACC particularly to review the question of the frequency, length, content and method of presentation of the regular reports of the specialized agencies to the United Nations. As regards the frequency of such reports, the ACC is of the opinion that, as a regular method for bringing problems before the Council, as part of the basic documentation for the substantive work of the Council, and the discharge of its responsibilities for co-ordination, the reports of the specialized agencies would lose much of their effectiveness if they were prepared at intervals of more than one year. In view of the relevant discussion in the Council during its sixteenth session, special study has been given to the question of the desirability and practicability of those agencies which hold congresses at intervals of two or more years, and particularly the agencies in the more highly technical fields, such as the Universal Postal Union, the International Telecommunication Union and the World Meteorological Organization, reporting less frequently to the Council. The representatives of these agencies, however, have felt that the advantages of regular annual reporting far outweigh the apparent advantages of the alternative procedure. In the case of all these agencies, the length and content of their reports could well vary from year to year, so that if desirable such agencies might report at greater length in the years when their conferences or congresses were meeting than in other years.

10. As regards the length and content of regular reports, the ACC has noted the desire expressed by some members of the Council that reports should be as short as possible. This certainly corresponds to the views of the specialized agencies themselves. The content of any report, however, is necessarily conditioned not only by the specifications set by the Council regarding the information which it requests, but also by the nature of the work of the particular agency, the range of its responsibilities and the extent to which there have been new developments in its activities during the period under review. The ACC feels therefore that considerable latitude should be permitted to each agency to give a sufficiently comprehensive picture of the work it is doing in its particular field.

11. As regards the method of presentation of regular reports, the existing practices of the agencies have been either to submit reports which have been specially

prepared for the Council, as ILO, UNESCO and ITU have been doing, or to submit to the Council the same reports regarding their programmes and budgets as they submit to their own governing bodies or conferences, supplemented in some cases by summaries for the guidance of the Council or by notes drawing attention to matters of special interest to the Council. These differing practices have been followed not only because the functions of the agencies differ considerably, but because in each instance the form of the agency's report has also been developed to serve other useful purposes, including that of reaching wider circles such as government departments and the general public. The ACC trusts that the Council will not see any difficulty in the present variety of practices being maintained.

Special reports

12. In its sixth¹ and thirteenth² reports to the Council, the ACC drew attention to the problem of the multiplicity of reports required of specialized agencies. It was pointed out that in many instances the information requested by different organs of the United Nations represented a duplication of information contained in the regular annual reports and in other reports prepared by the agencies for the United Nations, and the hope was expressed that it would be possible to refer to these documents for much of the special information needed. In view of the considerable amount of time required for their preparation, it was obviously desirable that the number of special reports requested of specialized agencies should be kept to the minimum.

13. The special reports required of particular agencies include the following; studies requested by the Trusteeship Council and the Committee on Information from Non-Self-Governing Territories in connexion with governmental replies to the annual questionnaire and the standard form on the territories under their jurisdiction; joint reports, such as the report on the world social situation, and the international survey of national programmes of social development; the *Catalogue of Economic and Social Projects*; special joint reports requested by the General Assembly for the Economic and Social Council and its functional and regional commissions, an important recent illustration being the programme of concerted practical action in the social field of the United Nations and the specialized agencies; reports under the Expanded Programme of Technical Assistance; as well as reports on specific technical or administrative problems.

14. The preparation of these reports constitutes a substantial part of the specialized agencies' total programmes of work. The subject-matter frequently interlocks with that of reports required by the governing bodies of various agencies and with their technical work, and the preparation of these documents requires the diversion of resources from substantive work or the provision of additional financial resources.

15. The burden of preparing such reports would be lightened to some extent if a longer period were allowed for their preparation. In some cases, it would seem advisable to bring together in a single report related information requested by different organs of the United Nations. In other cases, it might be possible for the special reports to be produced at less frequent intervals, or even discontinued. If the Council so desires, the Committee will be happy to make suggestions to this end.

¹ See *Official Records of the Economic and Social Council, Tenth Session, Annexes*, agenda item 24, document E/1573.

² *Ibid.*, *Sixteenth Session, Annexes*, agenda item 30 (a), document E/2446.

II. PROGRAMME MATTERS

Technical assistance

16. The ACC reviewed the current situation of the Expanded Programme of Technical Assistance, and noted with satisfaction the evidence of support for and appreciation of the results already achieved by the Programme, provided by the debates in the Economic and Social Council and at the eighth session of the General Assembly. It noted also that seventy countries were pledged to contribute to the Programme.

17. At this stage in the debates in the General Assembly, the ACC has little to add to the substance of the observations contained in its fourteenth report.³ In view of certain suggestions made in the debates referred to above, it would, however, like to reaffirm the position taken in paragraph 23 of its twelfth report⁴, of November 1952, concerning any future proposals for reorganization of the TAB machinery. In the event of such proposals being pursued, the ACC assumes that, before decisions are taken, it will have an opportunity for consultation and comment on this question, which, in addition to its constitutional importance to the participating organizations, has a vital bearing on the practical effectiveness of the programme and its relationship with their other work.

18. The ACC has reviewed the financial stringency under which the Expanded Programme is at present operating. While trusting that the present difficulties will be overcome, it would like to stress once again the necessity of ensuring that the financial basis of the programme should be such as to permit the participating organizations and recipient governments to plan their programmes over sufficiently long periods. Until such arrangements are possible, conditions of financial stringency involving considerable disappointment to governments which have made requests for technical assistance are liable to recur. Meanwhile, the members of the ACC consider it of capital importance for the future of the programme that its solvency should be fully protected, and that prudent financial management should ensure that the programme retains the full confidence of contributing governments and that a solid foundation exists for future expansion.

19. Finally, the ACC, in considering the method of working of TAB, wishes to stress the importance it places on agreement among the participating agencies at every stage of the work of TAB. The executive heads of the participating agencies are fully prepared, as always, to make every effort to ensure that such agreement is reached and remain ready for any consultations which may be necessary to achieve this end.

Rehabilitation of Korea

20. The Committee noted with satisfaction the progress made by the United Nations Korean Reconstruction Agency in recent months in initiating an active programme for long-range reconstruction in the field, recognizing at the same time, that the present resources of UNKRA are inadequate to meet the heavy responsibilities now facing it. In noting the division of responsibilities agreed on between UNKRA and the various other authorities, both military and civil, engaged in relief and reconstruction activities in Korea, the Committee recognized that it was difficult at the current stage to determine the areas in which useful forms of further assistance could be given to UNKRA by specialized agencies. The Committee was glad to note the

³ *Ibid.*, agenda item 8 (c) document E/2450.

⁴ *Ibid.*, agenda item 30 (a), document E/2340.

help afforded to UNKRA by certain of the specialized agencies in the planning of its programme, and the satisfactory arrangements for co-operation and common services which had recently been arrived at between UNKRA and UNICEF, for whose officials in Korea UNKRA is providing office space, billeting and other facilities. The Committee draws attention to the desirability of arrangements being made to ensure that the problem of Korean refugees outside Korea does not fall between the mandate of UNKRA or of other authorities in Korea, and the mandate of the United Nations High Commissioner for Refugees, which extends to genuine alien refugees wherever they may be, provided they do not continue to receive assistance or protection from another United Nations agency.

Co-operation with other United Nations agencies

21. The Committee heard statements by the United Nations High Commissioner for Refugees and representatives of the United Nations Fund for Children and the United Nations Relief and Works Agency for Palestine Refugees in the Near East and noted with satisfaction the progressive development of collaboration between these United Nations agencies and the specialized agencies concerned.

Community organization and development

22. In its thirteenth report to the Economic and Social Council, the ACC referred to the need for "better co-ordination of planning and supervision of projects aimed at integrating social activities at the community level" (E/2446, para. 40). In particular, certain problems had arisen in regard to the respective responsibilities in that field of the organizations belonging to the United Nations family, and it was decided to arrange, as a first step towards a clarification and eventual solution of these problems, for an *ad hoc* meeting of responsible officers to be held in Geneva during the sixteenth session of the Economic and Social Council for the purpose of defining terms, roles and objectives. This meeting was held from 9 to 11 July 1953. As a result of these consultations, the members of the ACC concerned have agreed on the statement annexed hereto. The statement covers the definitions of terms, roles and objectives in the field of community organization and development, fundamental education, health demonstration areas, environmental sanitation, agricultural extension, co-operatives etc.

23. Further consultations among the technical officials concerned were arranged in August on the programmes for community organization and development for 1954 and, so far as possible, for 1955. These consultations provided an opportunity for discussion of action to be taken in the light of Council resolution 496 (XVI) of 31 July 1953. Paragraph 9 of that resolution expressed the Council's view that it was "advisable, as an immediate objective, to pay particular attention to ... the promotion and implementation of community development projects, particularly through the establishment of demonstration centres". Paragraph 10 authorized the Secretary-General:

"to take early action, on an experimental basis and at the request of the governments concerned, to convene one or more small groups of senior policy-making representatives of governments having similar social and economic problems and of representatives of the secretariats of the United Nations and the specialized agencies concerned, to plan concrete programmes for expansion of community development projects, including training facilities and the strengthening of organizations for administering social programmes related to community development in their respective countries."

24. It was agreed that the United Nations Secretariat would prepare the draft terms of reference for the projected meetings with the government representatives, and that these terms of reference would be based on the broad definition of community organization and development contained in the annex to this report, and would provide, *inter alia*, for exchange of information on the relationship between community development problems and geographic, economic, social and cultural factors, on existing programmes and plans for expansion, on problems of training and financing, on types of outside assistance available and on methods of co-ordination at various levels.

25. Consultations likewise took place on other aspects of this question, notably the report which the Secretary-General is preparing on community welfare centres for submission to the Social Commission and the Council, in 1955, in accordance with Council resolution 390 D (XIII). It was agreed that this report should be in the nature of a special contribution of the United Nations to the whole field of community organization and development, that it should be primarily an analytical document containing an evaluation of selected national (governmental and non-governmental) programmes in this field, based on information received from governments and on surveys of various existing projects, that it should be organized on a regional basis rather than by subject-matter, and that it should not impinge on the aspects of the question covered by the report requested under Council resolution 496 (XVI), paragraph 12.

26. A review was made of the regular work programme and possible technical assistance projects of the United Nations and the specialized agencies for 1954-55, in so far as they contribute to community organization and development, with a view to checking any overlapping or deficiencies, and agreeing on methods of co-operation in particular cases, where necessary.

27. In considering inter-agency arrangements for co-operation and co-ordination in respect of activities at the community level, the ACC wishes to stress the importance it attaches to ensuring the fullest implementation of resolution 324 B (XI) of the Council, and in particular full consultation among the organizations concerned, in the planning and execution of programmes or projects, under the technical assistance as well as the regular programmes. These developments have made continuous and close consultations at the secretariat level all the more essential. Although such consultations can normally be accomplished through correspondence and contacts between technical officers, special co-ordination arrangements, involving the calling of meetings on an *ad hoc* or periodic basis, will continue to be necessary in certain cases.

Fundamental education

28. As the result of consultations within the framework of the ACC, under the auspices of UNESCO, the following general principles regarding arrangements for the organization, administration and operation of fundamental education centres have been agreed upon among the members of the ACC concerned:

(1) The active co-operation of all the national ministries concerned is essential to the full development of any joint programme in fundamental education. Preliminary negotiations will be undertaken far enough in advance to allow ministries to plan their share of the programme, and, in particular, to make the necessary budget provisions and to assign counterpart staff.

(2) The United Nations Educational, Scientific and Cultural Organization is responsible for inviting other organizations to take part in these preliminary negotiations. Each international organization is responsible for informing the national ministry with which it works of its contribution to the fundamental education programme.

(3) No further fundamental education centres will be opened without a survey in which all the international organizations concerned would take part. The survey would determine the location of the project and provide recommendations on the type of activities which should be undertaken in the light of local conditions and on the personnel necessary to carry out the activities of the centre.

(4) Before the programme of a new centre is put into operation, there should be orientation courses for both staff and students, not necessarily together.

(5) As soon as the agreement on the establishment of a new regional centre has been signed, each of the participating organizations will assign a member of its staff to represent it on a regional advisory committee. Other agencies working in the country may be invited to be represented on the regional advisory committee when matters of interest to them are discussed. This committee will meet periodically, and will have the following terms of reference:

(a) To assist the Director of the Centre in maintaining liaison with the participating United Nations organizations and the national ministries with which each organization has established relations;

(b) To advise the Director on:

(i) General policies relating to the development of the Centre;

(ii) The relation of the programme to other internationally assisted programmes in the participating countries;

(iii) The formulation of the annual budget;

(iv) Staffing requirements, including the number of posts required, job descriptions and qualifications required of the staff;

(v) Other questions raised by the Director.

The regional advisory committee will not duplicate in any way the work of the technical staff assigned to the Centre by other international agencies. This staff is responsible for assisting the Director, within the general policies agreed on by the international organizations, in developing and executing the programme of the Centre. The regional advisory committee would be convened by the Director of the Centre, who should have discretion in implementing its recommendations.

(6) Each of the international organizations concerned may propose to the Director of the Centre candidates in their special fields nominated by the governments for training at the Centre.

(7) Experts appointed by co-operating agencies should be considered as full-fledged members of the faculty of the Centre, assuming full duties and responsibilities in respect to both their specialized technical field and the general educational programme of the Centre. The statutes of the Centre should include a provision authorizing the faculty to discuss both administrative and substantive problems of the Centre, including curriculum, field work and internal regulations. Periodic reports prepared by these experts for their respective agencies should be made available to the Director and the faculty of the Centre for discussion, before dispatch to the head-

quarters of the agencies concerned, together with any comments which the Director of the Centre or the members of the faculty may wish to make on these reports.

29. Consideration was also given to the possible co-operation on the part of the United Nations and the specialized agencies in the UNESCO project for the training of international specialists in fundamental education and in the evaluation of fundamental education activities, with a view to developing future or improving current projects.

III. ADMINISTRATIVE, FINANCIAL AND OTHER MATTERS

Personnel policy

30. In accordance with General Assembly resolution 708 (VII), the Secretary-General consulted with the administrative heads of the specialized agencies regarding the problems of personnel policy on which he is to report to the General Assembly at its eighth session.

Consultations with the Advisory Committee on Administrative and Budgetary Questions

31. As in previous years, the opportunity was taken to hold consultations between the ACC and the Advisory Committee on Administrative and Budgetary Questions on various matters of mutual concern. The topics of discussion were: external audit procedures; common services and co-ordination of services; documentation problems, including reports of the specialized agencies to the United Nations; budgetary consequences of the development of inter-governmental organizations outside the United Nations framework; and carriage of the traffic of the specialized agencies over the United Nations telecommunication network.

Pattern of conferences

32. The Committee held further consultations on problems of calendar co-ordination with particular reference to the four-year pattern of conferences which was adopted by the General Assembly at its seventh session. In its thirteenth report (E/2446), the ACC expressed its satisfaction that such a pattern had been adopted, since it would assist in maintaining the closest possible collaboration between the Council and the specialized agencies. In the light of some recent suggestions for holding a session of the Economic and Social Council away from New York or Geneva, the Committee has discussed with some concern the various implications of such suggestions, which would involve a departure from the agreed pattern of conferences and entail considerable additional costs in the budgets of the various organizations concerned.

Regional and branch offices

33. In implementation of the terms of Council resolution 295 (IX), annex III, the ACC has continued to keep under review not only proposals to establish new regional or branch offices, but also the possibilities of the use of common services where two or more agencies have offices in the same city.

34. The attention of the Committee was called to the proposals for the establishment of two new United Nations information centres, one to serve Greece, Israel and Turkey, and the other to serve Colombia, Ecuador, Peru and Venezuela. The Bank reported on tentative proposals

to establish liaison offices in Rio de Janeiro and the Middle East. The members of the ACC agreed to keep one another informed of any plans or proposals for new regional or branch offices coming before their governing organs.

35. The Committee has continued studies on the co-ordination of services at various centres, including Geneva, Bangkok, Beirut, Cairo, New Delhi and Washington. In view of the recent request made by TAC to TAB to undertake studies on possible common services between agency offices in the field dealing with technical assistance, the ACC after consultation with TAB has decided that hence-

forth its studies regarding the co-ordination of services at various centres should be carried out jointly with TAB. In line with this, joint studies are now being undertaken on the possibilities of common facilities and services in Mexico City, Karachi, Manila and Djakarta.

Agreement between the International Labour Organisation and the European Coal and Steel Community

36. The Committee noted the agreement between ILO and the European Coal and Steel Community (E/2510) and has no observations to make on the text of this agreement.

Annex

COMMUNITY ORGANIZATION AND DEVELOPMENT : DEFINITIONS OF TERMS, ROLES AND OBJECTIVES

1. The terms used in connexion with the programmes of community organization and development have been defined from the point of view of their generally accepted content and not of the jurisdiction or activities of the organizations. The definitions reached are intended to clarify concepts on which the various programmes on community development are based, and do not prejudice in any way the division of responsibility among the organizations concerned.

2. Agreement has been reached on definitions of the role and objectives of each organization for that part of the international work in which that organization has a primary, although not necessarily exclusive, interest. Work undertaken by a particular organization in these fields involves in many cases collaboration with other organizations. For example, in the field of agricultural extension, for which the primary responsibility rests with FAO, ILO has an interest connected with programmes of vocational training.

3. Wherever there appears to be no uncertainty or need for clarification of roles and objectives in a particular field, these being well known and having been in use for some time, they are defined by reference to the appropriate paragraphs of the Programme of concerted practical action of the United Nations and specialized agencies in the social field⁵ or other published documents of the United Nations or specialized agencies.

A. COMMUNITY ORGANIZATION AND DEVELOPMENT

Definition of term

4. "Community organization and development" is a generic term used to describe the processes by which local communities can raise their own standards of living. These processes include the organization or establishment of services for social welfare, health protection, education, improvement of agriculture, development of small-scale industries and so on.

5. Effective programmes to promote community development have certain characteristics. They require the combination of assistance from outside the community with local self-help and effort. Services concerned with the various aspects of community development should be established and their activities co-ordinated. In practice, community development often begins with the initiation of activities in a single field, e.g., in education, health, co-operation, or home economics, but the establishment in due course of more comprehensive services, through which all or most of the basic problems of the community can be attacked, is essential.

6. Governments have the responsibility to promote community development in their own countries. The United Nations and the specialized agencies can, in turn, help govern-

ments in this task. Certain of the activities of the United Nations and the specialized agencies are particularly concerned with community organization and development in its various aspects. These include for instance: community welfare centres; community development through utilization of under-employed manpower; aided self-help housing; training of personnel for community organization; developing and improving local government; small-scale industries; co-operatives; agricultural extension services; home economics; health services; fundamental education.

7. It should be noted that not all of these affect local communities directly. The United Nations and the specialized agencies may be asked to assist governments in the development of communities which are larger than the single village or township, or in activities such as training of local workers which are centralized in the first stage and affect local communities only subsequently.

8. Community organization and development in this sense cannot be monopolized as the programme of the United Nations or any one of the specialized agencies. When fully developed, it involves concerted programmes of practical action. Indeed it is wider than the social field since the attack on the basic problem of poverty must be made primarily through economic measures and since the strengthening of local initiative can hardly be successful without political action to strengthen local government.

9. The Committee has attempted to define certain activities or fields of work, included in the programmes of the United Nations and the agencies, which are related in various ways to community development. It has also outlined the scope and objectives of international work which has been and will be undertaken in these and related fields, where these are not already well known and well defined.

Role and objectives of organizations

10. While it is necessary that each agency should contribute its special skills to this programme, the United Nations has a dual role to fulfil. On the one hand, the Economic and Social Council requests the Secretary-General to undertake such tasks as comprehensive surveys of community development efforts and to ensure that assistance to governments in this field is conceived and executed on the broadest possible basis. On the other hand, the United Nations also has specialized skills to contribute in the fields of social welfare, public administration and certain aspects of economic development. These are defined below.

11. In its first role, the United Nations performs two main functions, namely, assistance to governments in the development of nation-wide multi-purpose community development programmes; and reporting to the Council on the progress of such programmes and requesting new policy guidance, where necessary. Both of these broad functions require the co-operation of the specialized agencies concerned.

⁵ Ibid., agenda item 10, document E/CN.5/291/Rev.1.

12. In its specialized role, the United Nations contributions include assistance to governments in:

- (a) Development of community welfare centres;
- (b) Organization of public and private welfare services at the community level;
- (c) Utilization of under-employed manpower for improvement of community facilities;
- (d) Programmes of aided self-help housing;
- (e) Training professional and auxiliary welfare workers and assisting in the training of other technical workers in social objectives and techniques of community organization;
- (f) Development and improvement in local government and administration;
- (g) Locally organized economic activities;
- (h) Civil engineering.

13. The specialized contributions of ILO, FAO, UNESCO and WHO to community organization and development are outlined in the succeeding paragraphs.

B. FUNDAMENTAL EDUCATION

Definition of term

14. Fundamental education is that kind of minimum and general education which is designed to help children and adults who do not have the advantages of formal education to understand the problems of their immediate environment and their rights and duties as citizens and individuals, and to participate more effectively in the economic and social progress of their community.

15. It is fundamental in the sense that it gives the minimum knowledge and skills which are an essential condition for attaining an adequate standard of living. It is a prerequisite to the full effectiveness of work in health, agriculture and similar skilled services. It is general in the sense that this knowledge and these skills are not imparted for their own sake only. It uses active methods, it focuses interests on practical problems in the environment, and in this way it seeks to develop both individual and social life.

16. It is concerned with children for whom there is no adequate system of primary schooling and with adults deprived of educational opportunity; it utilizes all suitable media for their development through individual effort and through community life.

17. Fundamental education must awaken a consciousness of human dignity and develop a sense of the cultural and moral solidarity of mankind.

Relationship of fundamental education to community development

18. Fundamental education is often an appropriate first stage of community development, defined as a generic term. Through fundamental education a conscious effort is made to awaken the minds of people in an under-developed community to the realization of their individual and communal potentialities. These people are assisted in their efforts to gain the elementary knowledge and skills that are a prerequisite to advancement.

19. Community development may derive from the work of a single agency concerned with its own technical work; for instance, a health demonstration project will have its specific educational side. Fundamental education on the other hand is conceived as essentially a combined operation in which the United Nations and various specialized agencies contribute their special technical knowledge to a total educational activity. In such a combined operation, each technical activity is enhanced through its relationship with a total educational purpose.

20. The two criteria for the "fundamental education" phase of community development are therefore:

- (a) That its purpose and effect are educational;
- (b) That it represents a combined educational operation in

which the technical knowledge and skills of other agencies are associated with the specific technical knowledge and skills appropriate to UNESCO.

21. The kind of education involved is not to be thought of in terms of merely postponed school education. In so far as it is concerned with knowledge or skills that might have been acquired at school, it will seek to develop these at a time and in a way appropriate to the needs and interests felt by people themselves. (Learning to read and write for instance will come only when these skills are felt to be necessary for the fuller attainment of the purposes of the people concerned, for only in that case will they continue to be put to use.) The educational methods used will be those of activities and, with a few exceptions, not those of the class-room. Although from the point of view of the United Nations and the specialized agencies the purpose of activities undertaken will at this stage be educational, they may well be concerned with direct material improvements in community life and may appear in this light to the people undertaking them. But the purpose will be to awaken minds, foster habits and give knowledge which will be prerequisites to future individual and community development.

22. When this has been accomplished, the primacy of the educational aspect of the work will no longer be necessary. There will still be educational work, but only as one factor in what can then be described as many-sided community development in the normal sense of the term.

Role and objectives of organizations

23. The essential contribution of UNESCO to the work of the United Nations and the specialized agencies in this field consists in:

(a) Perfecting and giving training in suitable methods of fundamental education and assisting the governments to apply them, particularly in: enlisting the interest and effort in self-improvement of unschooled and partly schooled people; teaching reading, writing and elementary arithmetic and imparting general knowledge appropriate to their interests and needs; promoting an understanding of the rights and duties which condition individual progress;

(b) Assisting the other international organizations in evolving educational methods in their various fields;

(c) Producing experimentally, in field centres and projects, materials (and especially prototype materials) needed for fundamental education and related programmes of technical education (e.g., agricultural extension, health education, home economics, social welfare etc.) for use by governments and international organizations participating in such programmes;

(d) Training specialized personnel in the production of educational materials appropriate to fundamental education and related programmes.

C. HEALTH DEMONSTRATION AREAS

Definition of term

24. Health demonstration areas represent another means of community development. They are primarily designed to demonstrate the application of modern medical science to a predominantly rural community through organized efforts to provide, within the possibilities of local economic resources as well as the social and cultural patterns, a system of integrated health services for the prevention and treatment of disease and promotion of the health of the people in the area, and to utilize the health system thus developed for the training of public health workers with a view to the application of such experience to other areas for the similar development of health services. This type of activity is designed to permit expansion at appropriate stages by the introduction of other related services, such as education, agricultural extension services, co-operatives and small industries, and social welfare services.

Role and objectives of organizations

25. The role and objectives of WHO, which has responsibility for international programmes in this field, do not

appear to require clarification. They have been outlined in the Programme of concerted practical action in the social field (E/CN.5/291/Rev.1), paragraph 457, and in the *Official Records of the World Health Organization No. 18, Programme and Budget Estimates for 1950*, paragraphs 7.4.1.1. and 7.4.1.2. (See also *World Health Organization: Technical Report Series, No. 55, First Report of the Expert Committee on Public Health Administration.*)

D. ENVIRONMENTAL SANITATION

Definition of term

26. By the term "environmental sanitation" is meant control of those factors in man's physical environment which exercise or may exercise a deleterious effect on his physical development, health and survival.

In particular it refers to:

(a) Methods for the disposal of excreta, sewage, and community wastes, to ensure they are adequate and safe;

(b) Water-supplies, to ensure that they are pure and wholesome;

(c) Housing, to ensure that it is of a character likely to:

(i) Provide as few opportunities as possible for the direct transmission of disease, especially respiratory infections; and

(ii) Encourage healthful habits in the occupants;

(d) Milk and other food supplies, to ensure that they are safe;

(e) Personal habits of cleanliness and education of public opinion in matters relating to family and community hygiene in relation to disease;

(f) Control of arthropodal, rodent, mollusc, or other hosts of human disease;

(g) Atmospheric conditions, to ensure that the external atmosphere is free from deleterious elements and that the internal conditions of houses, workshops etc., are suitable for the occupations undertaken in them;

(h) The general environment, to ensure freedom from risk to health in dwellings, streets, factories and workshops.

Role and objectives of organizations

27. The role and objectives of WHO and the nature of its responsibility for international programmes in this field and the responsibilities of ILO in respect of occupational health, do not appear to require clarification. They have been outlined in the Programme of concerted practical action in the social field (E/CN.5/291/Rev.1), paragraph 119, and in the *Official Records of the World Health Organization, No. 18, Programme and Budget Estimates for 1950*, paragraphs 7.4.4.1.1. and 7.4.4.3.1.1. (See also *World Health Organization: Technical Report Series, No. 10; Report on the First Session of the Expert Committee on Environmental Sanitation*; and *Technical Report Series, No. 66, Second Report on Joint ILO/WHO Committee on Occupational Health.*)

E. AGRICULTURAL EXTENSION

Definition of term

28. Agricultural extension is concerned with agricultural education aimed at assisting rural people to bring about continuing improvement in their own physical, economic and social well-being through individual and co-operative effort. It makes available to rural people scientific and other factual information, and training and guidance in the application of such information to the solution of problems of agriculture and rural life. Agricultural extension operates in all fields of agricultural improvement and rural development, including agricultural production and conservation, primary agricultural processing, marketing of agricultural products and forest conservation and use; it is also concerned with home economics and nutrition, rural youth organization and training, housing, community planning and health education.

Role and objectives of organizations

29. The Food and Agriculture Organization of the United Nations assists governments to establish effective agricultural extension services or to strengthen such services where they already exist. This is accomplished by (a) advising on the establishment of government departments for the operation of extension or advisory services; (b) assisting in training personnel; (c) assisting in establishing pilot extension service projects to demonstrate the effectiveness of this approach in community development; (d) preparing sample teaching materials and disseminating them to national agencies responsible for extension work; (e) collecting and disseminating information on the most effective approaches to, or methods of, conducting extension work under varying conditions and cultures; (f) studies of national extension systems to determine their effectiveness and possible ways of strengthening them.

F. CO-OPERATIVES

Definition of term

30. Co-operatives are associations whereby people voluntarily join together on a basis of equality to protect and promote their common economic and social interests through mutually-operated enterprises and obtain collectively goods, services or other benefits which they could not obtain singly.

Role and objectives of organizations

31. The objectives of the international programme in this field have been outlined in the Programme of concerted practical action in the social field (E/CN.5/291/Rev.1), paragraph 461.

32. The respective interests and responsibilities in this field of the United Nations, ILO and FAO are at present under discussion among these three organizations.

G. HANDICRAFTS, COTTAGE AND SMALL-SCALE INDUSTRIES

Definition of term

33. Handicrafts, cottage and small-scale industries are processing and manufacturing activities in which the basic units of production are such that they provide maximum opportunities of employment without requiring large capital expenditure and are readily adaptable as a means of contributing to the welfare of a small local community.

Role and objectives of organizations

34. The objectives of the international programme in this field have been outlined in the Programme of concerted practical action in the social field (E/CN.5/291/Rev.1), paragraph 467.

35. As regards the division among the United Nations, ILO and FAO of responsibilities in this field, progress has been made towards a clarification, and *ad hoc* solutions have been found in practical cases which have arisen in TAB. Discussions with a view to further clarification are continuing.

H. HOME ECONOMICS

Definition of term

36. Home economics contributes to community development through the improvement of conditions in the home. It is concerned with numerous aspects of family life, including home management, cleanliness, elementary sanitation, the choice of foods, the preparation of family meals, the domestic production and processing of foods, and child training. It seeks to improve the status of women in the home and in the community, so that women can play a full part in community development.

Role and objectives of organizations

37. While no differences of opinion arose as to the roles and objectives in this field, it has been noted that FAO has responsibility for the development of home economics as defined above. The programme of FAO in this field has been and will be largely concerned with the development of home economics teaching centres and through these with the formation of bodies of well-trained teachers and extension workers who will help communities and families to improve conditions in the home.

I. AUXILIARY AND COMMUNITY WORKERS

Definition of term

38. The Committee has agreed that no useful purpose would be served in attempting precise definitions of these concepts, which are evolving differently in various countries and in particular fields of activity. Some clarification in international usage of the three terms "auxiliary worker", "multi-purpose worker" and "community worker" might, however, prove helpful.

(a) The term "auxiliary worker" is used by the United Nations family of organizations to designate a paid worker in a particular technical field with less than full professional qualifications in that field who assists and is supervised by a professional worker. Illustrations may be found in each field, e.g. nurses' aides, sanitarians, nutrition aides, personnel for children's institutions, or labour welfare staff. In some cases he may be fully qualified in one particular field and "auxiliary" in another field; for example, a teacher may be a nurse's aide on a part-time basis.

(b) A "multi-purpose worker" is a paid worker trained at a sub-professional level in two or more technical fields, e.g. health and welfare. Certain experiments are now being carried out in a number of countries to test the practicability of training and employing such workers for community development.

(c) The term "community worker" is used to designate the generalized village worker, often a volunteer, who not only performs many simple tasks such as emergency relief work but is also highly important in organizing groups for community enterprises, recreation or other social action. Such workers may often be the political, religious or educational leaders of the village.

39. The Committee has agreed that, whatever technical training in specialized fields may be required for these groups of workers, it is desirable that certain common social objectives and techniques for developing self-help and co-operation in the community should be a part of their training.

Role and objectives of organizations

40. The United Nations and each of the specialized agencies concerned is responsible for assisting governments in the training of "auxiliary" workers in its field or fields of technical competence: for example, the United Nations for the training of auxiliary welfare personnel, WHO for the training of auxiliary health personnel, FAO for the training of auxiliary home economics and agricultural workers. As a practical matter most of the agencies concerned have approached this large area of work through the training of professional workers who, in turn, have been responsible for the training of auxiliary personnel in their own countries.

41. As regards "multi-purpose" workers, the agencies concerned will co-operate in studying the problems involved. When a country requests assistance in the training of multi-purpose workers, the agencies concerned will act jointly in ascertaining whether the request can be accepted and, if so, in implementing it. If the government is not aware which sub-professional fields should be combined so as to meet the needs of the country, initial exploration may be undertaken by the United Nations with the government, and other agencies will be consulted at the appropriate stage.

42. The training of "community workers", in so far as it can be undertaken with the assistance of the international agencies, will be the responsibility of the agency whose competence is primarily involved; for example, the United Nations may assist governments in the training of emergency relief workers in certain circumstances or recreation workers in community welfare centres, or FAO may help a government in training rural youth leaders through agricultural extension services.

43. Wherever possible, the training of auxiliary multi-purpose or community workers in the area of basic social principles and objectives and in the techniques of fostering self-help and mutual aid should be a matter of joint concern. In practice, it will usually be necessary for the agency taking major responsibility for a particular project to assure this important element in training on behalf of the United Nations family.

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
E/2512	Fifteenth report of the Administrative Committee on Co-ordination to the Economic and Social Council	1	
E/L.584	France: draft resolution		Same text as E/RESOLUTION (XVII)/3
E/RESOLUTION (XVII)/3	Resolution adopted by the Economic and Social Council at its 758th meeting, on 1 April 1954		<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 528 (XVII)</i>



Agenda item 20 : Non-governmental organizations :

- (a) Applications and reapplications for consultative status
- (b) Review of non-governmental organizations
- (c) Hearings and applications for hearings

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(a) Applications and reapplications for consultative status

DOCUMENT E/2550

Report of the Council Committee on Non-Governmental Organizations

[Original text : English]
[26 February 1954]

Meetings of the Council Committee on Non-Governmental Organizations were held at Headquarters on 23, 24 and 25 February 1954. On 23 February it met under the Acting Chairmanship of Mr. C. A. G. Meade (United Kingdom) and elected Mr. R. Fenaux (Belgium) Acting Chairman. The Committee had before it documents E/C.2/R.18 and Corr.1 and Add.1 and 2, and E/C.2/L.15/Rev.1. The summary records of these meetings are given in documents E/C.2/SR.133 to 137.

The Committee, acting in accordance with paragraph 35 (a) of Council resolution 288 B (X) of 27 February 1950, recommends that the Council adopt the following resolutions :

A

INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

The Economic and Social Council,

Having considered the report of its Committee on Non-Governmental Organizations (E/2550),

1. *Decides* that the following organizations shall be placed in category B :

International Bar Association ;

International Commission on Irrigation and Drainage ;

(International Council for Building Research, Studies and Documentation;

- Junior Chamber International;

2. *Decides* that the following organizations at present on the register of non-governmental organizations referred to in paragraph 17 of Council resolution 288 B (X) shall be transferred to category B:

International Federation of Women Lawyers;

League of Red Cross Societies;

3. *Requests* the Secretary-General to place the following organizations on the register of non-governmental organizations referred to in paragraph 17 of Council resolution 288 B (X):

Fédération internationale libre des déportés et internés de la résistance;

International Institution of the Middle Classes;

International Olive Growers' Federation;

4. *Decides* not to grant the request for reclassification from register to category B of the International Federation of Free Journalists (of Central and Eastern Europe and Baltic and Balkan Countries).

B

NATIONAL NON-GOVERNMENTAL ORGANIZATIONS

The Economic and Social Council,

Having considered the report of its Committee on Non-Governmental Organizations (E/2550) and in the light of paragraph 9 of Council resolution 288 B (X) and upon the recommendation of the national government concerned,

Decides that the following organizations shall be placed in category B:

Chamber of Commerce of the United States of America (United States);

CARE (Co-operative for American Remittances to Everywhere, Inc.) (United States).

ANNEX

1. The Council Committee on Non-Governmental Organizations decided to defer action until 1955 on the re-applications for consultative status in category B of the following two organizations:

International Association of Democratic Lawyers;

International Organization of Journalists.

2. The Council Committee on Non-Governmental Organizations decided to defer action until 1955 on the requests for reclassification from the register to category B of the following two organizations:

International Federation of Senior Police Officers;

World Federation of Democratic Youth.

3. In connexion with the consideration of reapplications for consultative status received after 1 November 1953, the Council Committee on Non-Governmental Organizations adopted the following resolution:

"The Council Committee on Non-Governmental Organizations,

"Considering that doubt exists as to whether the conditions set forth in paragraph 35 (a) of Council resolution 288 B (X) apply to reapplications for consultative status and requests for reclassification as well as to new applications for consultative status,

"Expresses the opinion that paragraph 35 (a) of resolution 288 B (X) should be interpreted to mean that the Committee

shall consider at its first meeting each year only those applications and reapplications for consultative status or for reclassification which are received by the Secretary-General by 1 November of the preceding year and on which sufficient data have been distributed to the members of the Committee not later than six weeks before the applications are to be considered."

4. The Council Committee on Non-Governmental Organizations also considered the application of the Fédération internationale de sauvetage and decided not to recommend it for consultative status in category B.

5. The Committee authorized the Secretary-General to list the "Trade Internationals" affiliated to the International Federation of Christian Trade Unions and the "Trade Unions Internationals" of the World Federation of Trade Unions in future issues of the "List of Non-Governmental Organizations in Consultative Relationship with the Economic and Social Council".

6. At its 136th meeting, the Committee consulted with the Bureau of the Conference of Consultative Non-Governmental Organizations concerning hearings held under rules 84 and 85 of the rules of procedure of the Economic and Social Council. The Committee decided to take no action pending the receipt of precise suggestions from the Bureau and requested its Acting Chairman to maintain contact with the Bureau.

(b) Review of non-governmental organizations

DOCUMENT E/2551

Report of the Council Committee on Non-Governmental Organizations

[Original text: English]
[26 February 1954]

Meetings of the Council Committee on Non-Governmental Organizations were held at United Headquarters on 23, 24 and 25 February 1954 under the Acting Chairmanship of Mr. R. Fenaux (Belgium) to consider, in pursuance of Council resolution 480 II (XV) of 28 April

1953, documents E/C.2/374 and Corr. 1 and Add.1 and 2. The summary records of these meetings are given in documents E/C.2/SR.134, 135 and 137.

The Committee, acting in accordance with paragraph 35 (b) of Council resolution 288 B (X) of 27 February

1950 and Council resolution 480 II (XV) of 28 April 1953, recommends that the Council adopt the following resolution :

The Economic and Social Council,

Having considered the report of its Committee on Non-Governmental Organizations (E/2551),

1. *Decides* that consultative status in category B should be withdrawn from the following organization :
Women's International Democratic Federation ;

2. *Requests* the Secretary-General to place the following organizations on the register of non-governmental organizations referred to in paragraph 17 of Council resolution 288 B (X) :

International Association of Independent Enterprises,
Trades and Crafts ;

International Shipping Federation ;

Permanent International Association of Navigation Congresses.

ANNEX

1. The Council Committee on Non-Governmental Organizations was informed by the Secretary-General that the International Bureau for the Unification of Penal Law (category B) has ceased to exist.

2. The Council Committee on Non-Governmental Organizations also reviewed the following organizations in category B consultative status and as it decided to recommend no change in their status, no action on the part of the Council is suggested :

Agudas Israel World Organization
All India Women's Conference (India)
All Pakistan Women's Association (Pakistan)
Anti-Slavery Society, The (United Kingdom)
Carnegie Endowment for International Peace (United States of America)
Catholic International Union for Social Service
Commission of the Churches on International Affairs, The
Consultative Council of Jewish Organizations
Co-ordinating Board of Jewish Organizations for Consultation with the Economic and Social Council of the United Nations
Friends World Committee for Consultation
Howard League for Penal Reform (United Kingdom)
Indian Council of World Affairs (India)
Inter-American Council of Commerce and Production
Inter-American Federation of Automobile Clubs
International Abolitionist Federation
International African Institute
International Air Transport Association
International Alliance of Women—Equal Rights, Equal Responsibilities
International Association of Penal Law
International Automobile Federation
International Bureau for the Suppression of Traffic in Persons
International Catholic Press Union
International Committee of Schools of Social Work
International Committee of Scientific Management
International Committee of the Red Cross
International Conference of Catholic Charities
International Conference of Social Work
International Co-operative Women's Guild
International Council of Women
International Criminal Police Commission
International Federation for Housing and Town Planning
International Federation of Business and Professional Women
International Federation of Friends of Young Women
International Federation of Newspaper Publishers (Proprietors) and Editors

International Federation of University Women
International Fiscal Association
International Institute of Administrative Sciences
International Institute of Public Finance
International Law Association, The
International League for the Rights of Man, The
International Organization for Standardization
International Road Federation
International Road Transport Union
International Social Service
International Society for Criminology
International Society for the Welfare of Cripples
International Statistical Institute
International Touring Alliance
International Union for Child Welfare
International Union for the Protection of Nature
International Union for the Scientific Study of Population
International Union of Architects
International Union of Family Organizations
International Union of Local Authorities
International Union of Marine Insurance
International Union of Official Travel Organizations
International Union of Railways
International Union of Socialist Youth
Liaison Committee of Women's International Organizations
Lions International
National Association of Manufacturers (United States of America)
Nouvelles équipes internationales
Pax Romana—International Catholic Movement for Intellectual and Cultural Affairs
Pax Romana—International Movement of Catholic Students
Rotary International
Salvation Army, The
Society of Comparative Legislation (France)
South American Petroleum Institute
Women's International League for Peace and Freedom
World Assembly of Youth
World Jewish Congress
World Movement of Mothers
World Power Conference
World Union for Progressive Judaism
World Union of Catholic Women's Organizations
World's Alliance of Young Men's Christian Associations
World's Women's Christian Temperance Union
World's Young Women's Christian Association
Young Christian Workers

(c) Hearings and applications for hearings

DOCUMENT E/2561

Report of the Council Committee on Non-Governmental Organizations

[Original text : English]
[1 April 1954]

The Council Committee on Non-Governmental Organizations, acting in accordance with Council resolution 288 B (X) and with rules 85 and 86 of the rules of procedure, met at United Nations Headquarters on 31 March 1954 under the acting chairmanship of Mr. Robert Fenaux (Belgium) to hear representatives of non-governmental organizations in category B consultative status and the applications of organizations in category A for hearings by the Council. The summary records of these meetings are given in documents E/C.2/SR.138 and E/C.2/SR.139 and Add.1

A

REQUESTS OF ORGANIZATIONS IN CATEGORY A TO BE HEARD BY THE COUNCIL OR ITS COMMITTEES UNDER RULE 86

The Committee decided to recommend that at the first consideration of the item by the Council or one of its committees a representative of each of the following non-governmental organizations in category A consultative status be heard by the Council or one of its committees:

(a) International Chamber of Commerce on item 3 (c) (10 minutes);

(b) International Confederation of Free Trade Unions on item 3 (20 minutes), item 3 (a) (10 minutes), item 13

(10 minutes), item 14 (15 minutes), item 15 (7-8 minutes), item 17 (10 minutes);

(c) International Federation of Christian Trade Unions on item 14 (10 minutes).

B

CONSULTATION OF THE COMMITTEE WITH ORGANIZATIONS IN CATEGORY B ON ITEMS ON THE AGENDA OF THE COUNCIL UNDER RULE 85

The Committee consulted with representatives of the following organizations on the items referred to below:

International League for the Rights of Men on item 12: Freedom of information;

International Federation of Friends of Young Women and International Social Service on item 17: Recognition and enforcement abroad of maintenance obligations;

Women's International Democratic Federation on item 20 (b): Non-governmental organizations: Review of non-governmental organizations. The Committee, acting under paragraph 23 (e) of Council resolution 288 B (X), decided to allow the Women's International Democratic Federation to circulate a written statement not in excess of 500 words.

International Law Association on item 27: Draft convention on the enforcement of international arbitral awards.

DOCUMENT E/2562

Report of the Council Committee on Non-Governmental Organizations

[Original text : English]
[2 April 1954]

The Council Committee on Non-Governmental Organizations, acting in accordance with Council resolution 288 B (X) and with rules 85 and 86 of the rules of procedure, met at United Nations Headquarters on 2 April 1954 under the acting chairmanship of Mr. Robert Fenaux (Belgium) to hear representatives of non-governmental organizations in category B consultative status and the applications of organizations in category A for hearings by the Council. The summary record of this meeting is given in document E/C.2/SR.140 and Add.1.

A

REQUESTS OF ORGANIZATIONS IN CATEGORY A TO BE HEARD BY THE COUNCIL OR ITS COMMITTEES UNDER RULE 86

The Committee decided to recommend that at the first consideration of the item by the Council or one of its committees a representative of each of the following non-governmental organizations in category A consultative status be heard by the Council or one of its committees:

(a) International Federation of Christian Trade Unions on item 3 (15 minutes), item 13 (10 minutes), item 15 (5 minutes),

(b) World Federation of Trade Unions on item 3 (20 minutes), item 3 (c) (10 minutes), item 3 (d) (10-15 minutes), item 13 (15 minutes), item 14 (20 minutes).

B

CONSULTATION OF THE COMMITTEE WITH ORGANIZATIONS IN CATEGORY B ON ITEMS ON THE AGENDA OF THE COUNCIL UNDER RULE 85

The Committee consulted with representatives of the following organizations on the items referred to below:

World Veterans Federation on item 11: Expanded Programme of Technical Assistance: report of the Technical Assistance Committee;

Nouvelles équipes internationales — Union des démocrates chrétiens on item 12 (a): Freedom of Information: Report of the Rapporteur on Freedom of Information;

International Commission against Concentration-Camp Practices and Nouvelles équipes internationales — Union des démocrates chrétiens on item 14: Forced Labour: reports of the Ad Hoc Committee on Forced Labour;

World Jewish Congress on item 25: Consideration of the provisional agenda for eighteenth session of the Council (E/2530); item 13: World calendar reform (item proposed by India).

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Document No.	Title	Page	Observations and references
(a) Applications and reapplications for consultative status			
E/2550	Report of the Council Committee on Non-Governmental Organizations	1	
E/2551	Report of the Council Committee on Non-Governmental Organizations	2	Item 20 (b)
E/C.2/L.15/Rev.1	United Kingdom of Great Britain and Northern Ireland: draft resolution		Mimeographed document only
E/C.2/R.18 and Corr.1 and Add.1 and 2	Memorandum by the Secretary-General		Mimeographed documents only
E/RESOLUTION (XVII)/6, draft resolution I	Resolutions adopted by the Economic and Social Council at its 759th meeting, on 1 April 1954		Official Records of the Economic and Social Council, Seventeenth Session Supplement No. 1, resolutions 529 A I (XVII) and 529 A II (XVII)
(b) Review of non-governmental organizations			
E/2551	Report of the Council Committee on Non-Governmental Organizations	2	
E/C.2/374 and Corr.1 and Add.1 and 2	Consultative activities undertaken by non-governmental organizations granted category B consultative status at or before the thirteenth session of the Council—Report prepared by the Secretary-General in accordance with Council resolution 480 II (XV)		Mimeographed documents only
E/C.2/382	Statement submitted by the Women's International Democratic Federation, a non-governmental organization in category B consultative status		Mimeographed document only
S/2203	Letter dated 19 June 1951 addressed to the Secretariat of the United Nations from the President of the Security Council		Ditto
E/RESOLUTION (XVII)/6, draft resolution II	Resolution adopted by the Economic and Social Council at its 764th meeting, on 6 April 1954		Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 529 B (XVII)
(c) Hearings and applications for hearings			
E/2492	Question of access to Headquarters of representatives of non-governmental organizations in consultative status—Progress report by the Secretary-General on negotiations with the United States of America concerning the interpretation of the Headquarters Agreement		Mimeographed document only
E/2561	Report of the Council Committee on Non-Governmental Organizations	4	
E/2562	Report of the Council Committee on Non-Governmental Organizations	4	
E/2568	Question of access to Headquarters of representatives of non-governmental organizations in consultative status—Report of the Council Committee on Non-Governmental Organizations		Ditto
E/2570	Report of the Council Committee on Non-Governmental Organizations		Ditto
E/C.2/386	Question of access to Headquarters of representatives of non-governmental organizations in consultative status—Statement submitted by the World Federation of Trade Unions, a non-governmental organization in category A consultative status		Ditto



Agenda item 21 : Organization and operation of the Council and its commissions

(No documents.)



ECONOMIC AND SOCIAL COUNCIL

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ANNEXES

SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 22: Election of members of the Council Committee on Non-Governmental Organizations

CHECK LIST OF DOCUMENTS

Document No.	Title	Observations and references
E/L.582	Australia: draft resolution	Same text as E/RESOLUTION (XVII)/1
E/RESOLUTION (XVII)/1	Resolution adopted by the Economic and Social Council at its 757th meeting, on 31 March 1954	<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 530 (XVII)</i>

**ECONOMIC AND SOCIAL COUNCIL**

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ANNEXES

SEVENTEENTH SESSION

NEW YORK, 1954

Agenda item 23 : Confirmation of members of functional commissions of the Council

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
E/2576 and Corr.1 and Add.1	List of candidates for membership of functional commissions of the Council	<i>Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, Other decisions taken by the Council at its seventeenth session</i>



Agenda item 24: Financial implications of actions of the Council

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
E/2448 and Corr.1 and 2 and Add.1 to 3	Work programmes and costs of the economic and social activities of the United Nations: note by the Secretary-General	Mimeographed documents only
E/2559 and Add.1 and 2	Work programmes and costs of the economic and social activities of the United Nations: note by the Secretary-General	<i>Idem</i>



Agenda item 25: Consideration of the provisional agenda for the eighteenth session of the Council

CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
E/2530	Note by the Secretary-General	Mimeographed document only
E/2530/Rev.1	Note by the Secretary-General	Ditto
E/2530/Rev.1/Add.1	Note by the Secretary-General—Addendum	Ditto
E/L.600	Preliminary annotations to the draft provisional agenda for the eighteenth session of the Council (E/2530/Rev.1)	Ditto



Agenda item 26: Removal of obstacles to international trade and means of developing economic relations

[No documents.]



Agenda item 27: Draft convention on the enforcement of international arbitral awards

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E/L.586	Belgium: draft resolution	1
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DOCUMENT E/2552**Report of the Council Committee on Non-Governmental Organizations**

[Original text: English]
[25 February 1954]

The Council Committee on Non-Governmental Organizations met on 24 February 1954 under its Acting Chairman, Mr. R. Fenaux (Belgium), to consider the proposal of the International Chamber of Commerce (ICC), an organization in category A consultative status, to the effect that the Committee request the Secretary-General to place the item "Draft convention on the enforcement of international arbitral awards" on the provisional agenda of the Council under rule 10 of the rules of procedure of the Council.

The Committee had before it documents E/C.2/373 and Add.1 which had been submitted by the ICC; it also heard a representative of the organization. The records

of the Committee's discussion are contained in document E/C.2/SR.135 (restricted).

The Committee decided to request the Secretary-General, under rule 13 of the rules of procedure, to include the proposed item as a supplementary item on the provisional agenda of the seventeenth session of the Council. The Committee took this action in order not to overburden further the agenda of the eighteenth session. Some members of the Committee stated that their Governments might not be prepared to express their views on the substance of the item until a later session of the Council. The Committee, however, took account of the fact that the Council might wish to consider only the procedural aspect of the question at its seventeenth session.

DOCUMENT E/L.586**Belgium: draft resolution**

[Original text: French]
[5 April 1954]

The Economic and Social Council,

Taking note of the draft convention on the enforcement of international arbitral awards submitted by the International Chamber of Commerce,

Establishes an *ad hoc* committee composed of representatives of eight Member States, to be designated by the President of the Council,

Invites each of the governments represented on the

ad hoc committee to designate as its representative a person having special qualifications for that purpose, and

Instructs the *ad hoc* committee to study the matter raised by the International Chamber of Commerce in the light of all the relevant considerations and to report its conclusions to the Council, submitting such proposals as it may deem appropriate including, if it sees fit, a draft convention.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
E/2552	Report of the Council Committee on Non-Governmental Organizations	1	
E/C.2/373 and Add.1	Statement submitted by the International Chamber of Commerce		Mimeographed document only
E/L.586	Belgium: draft resolution	1	
E/RESOLUTION (XVII)/5	Resolution adopted by the Economic and Social Council at its 763rd meeting, on 6 April 1954		Official Records of the Economic and Social Council, Seventeenth Session, Supplement No. 1, resolution 520 (XVII)

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