

REPORT OF THE COMMITTEE ON SPECIAL ADMINISTRATIVE QUESTIONS<sup>1</sup>

*Rapporteur:* Mr. K. G. BRENNAN (Australia).

1. On 21 December 1952, the General Assembly adopted resolution 681 B (VII), which provides as follows:

*"The General Assembly,*

*"Noting paragraphs 38 to 45 of the memorandum<sup>2</sup> of the Secretary-General on the administration of the United Nations,*

*"1. Decides to refer these paragraphs to a Committee composed of representatives of the following eleven Members: Australia, Belgium, Brazil, Chile, China, Dominican Republic, Greece, Iraq, Norway, Pakistan and Poland, to meet in the interval between the seventh and eighth sessions of the General Assembly, and to report thereon to the General Assembly at its eighth session;*

*"2. Invites the Secretary-General to submit to the Committee such proposals as he may wish to make on the matters dealt with in the above-mentioned paragraphs;*

*"3. Requests the Secretary-General to circulate the report of the Committee, with the comments of the Advisory Committee on Administrative and Budgetary Questions, to all Members four weeks before the opening of the eighth session of the General Assembly."*

2. The Committee on Special Administrative Questions held its first two meetings on 4 and 8 May 1953 and a third meeting on 3 August. During the meetings, the Members appointed by the General Assembly were represented as follows:

Australia:	Mr. K. G. Brennan Mr. J. G. Petherbridge
Belgium:	Mr. Georges Cassiers Mr. J. Woulbroun
Brazil:	Mr. Luiz Bastian-Pinto
Chile:	Mr. Rudecindo Ortega Masson
China:	Mr. Ching-Lin Hsia Mr. C. H. C. Kiang
Dominican Republic:	Mr. Joaquín Salazar Mr. L. Romanacce-Chalas
Greece:	Mr. Alexis Kyrrou
Iraq:	Mr. Awni Khalidy
Norway:	Mr. Erik Dons
Pakistan:	Mr. Viqar Ahmed Hamdani
Poland:	Mr. Eugeniusz Kulaga

3. The following officers were unanimously elected: Mr. Hamdani (Pakistan), Chairman; Mr. Bastian-Pinto (Brazil), Vice-Chairman; and Mr. Brennan (Australia), Rapporteur.

4. At the first meeting, the representative of Poland submitted a draft resolution concerning the representation of China, which was ruled out of order by the Chairman. The Chairman's ruling was challenged by the representative of Poland, and was upheld by the Committee.

5. The Committee had before it a memorandum by the Secretary-General (A/AC.68/1). The memorandum stated that, under General Assembly resolution 681 B (VII) and in accordance with the report of the Fifth Committee,<sup>3</sup> the tasks of the Committee were: (1) the study of paragraphs 38-45 of the memorandum by the Secretary-General on the administration of the United Nations (A/2214); (2) the study of rules 154-156 of the rules of procedure of the General Assembly concerning the Advisory Committee on Administrative and Budgetary Questions; and (3) the study of the statute of the Administrative Tribunal.

6. With respect to the first task, the memorandum stated that after further study of the question, and particularly in the light of observations made during the course of the discussion in the Fifth Committee, the Secretary-General found himself unable to maintain the suggestion made in paragraphs 38-45 of the original memorandum, namely, that membership of the Advisory Committee on Administrative and Budgetary Questions should disqualify a person from service as a member or alternate in the Fifth Committee and that membership of the Administrative Tribunal should disqualify a person from service as a governmental representative on legislative committees of the General Assembly. With regard to the second task, the Secretary-General, after consideration of the matter, had no suggestion to make. As to the third task, the Secretary-General believed it premature to consider amendments to the statute of the Administrative Tribunal, and neither the President of the Tribunal nor the Secretary-General had any suggestions of a major or of an urgent nature which would warrant consideration by a committee. Moreover, no proposals on any of these tasks had been made by governments.

7. At the outset of the Committee's discussion, the Secretary-General stated that, before making any proposal to the General Assembly regarding the reorganization of the present administrative structure of the Secretariat, it would be his first duty to make a thorough study of the working of the Secretariat. He was, therefore, not prepared at the present stage to make definite proposals on this matter to the General Assembly. Nor was he prepared, as was stated in his memorandum, to make any proposals relating to the subjects referred to the Committee by the General Assembly.

<sup>1</sup>The present report replaces the preliminary report of the Committee circulated on 14 May 1953 (document A/2393).

<sup>2</sup>See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 69, document A/2214.

<sup>3</sup>See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 69, document A/2344.

8. With regard to the substance of the matters referred to the Committee, the representatives of Australia and China took the view that there was no incompatibility between membership in the Fifth Committee of the General Assembly and membership in the Advisory Committee on Administrative and Budgetary Questions. The representative of Iraq associated himself with this view. The representative of China, although he wished to make no formal proposal, referred to the possibility of enlarging the membership of the Advisory Committee and of clarifying the reference to "financial experts" in rules 154 and 155 of the rules of procedure. The representative of Pakistan refrained from expressing any opinion on the substance of the matters because in his view the members of the Committee, in the absence of proposals from the Secretary-General and governments, were not called upon to express such opinions.

9. The representative of Chile thought that the Joint Appeals Board was open to criticism because the Secretary-General was both party and judge in matters coming before it. He thought, too, that the statute of the Administrative Tribunal was defective in that decisions of the Tribunal were not binding on the Secretary-General. The Chilean delegation believed that the statute should be amended so as to give proper protection to the staff. In reply, the Secretary-General explained that the Joint Appeals Board was a body advisory to him. It had been established with that function at the request of the staff, and included representatives of the staff.

10. All delegations concurred, however, with a proposal of the representative of Greece that the Committee should not make any recommendation on the substance of the matters referred to it, but should allow time for the Secretary-General to study those matters and to formulate any proposals he might wish to make. The Committee would hold itself ready to reconvene in case the Secretary-General or a delegation should submit proposals; otherwise, a short report should be submitted to the General Assembly merely recording the above decision.

11. On 8 May 1953, the Committee therefore adopted unanimously, with two abstentions, a resolution in which the Committee, after noting that no proposal had been submitted by the Secretary-General or by the governments of Member States, invited the Secretary-General to report to the Committee any proposal he might wish to make or which might be made by Member States. The Committee decided, furthermore, to reconvene prior to the eighth session of the General Assembly.

12. In accordance with the resolution, the Committee held a third meeting on 3 August 1953. It noted that no proposals had yet been received from governments of Member States, nor had any proposal been submitted by the Secretary-General. In the circumstances, the Committee decided not to make any recommendation at this stage to the General Assembly on the substance of the matters referred to it, but to allow Members and the Secretary-General time for further study of the matters in question.