

Assembly resolution 85 (I). It was for those reasons that the Advisory Committee had urged that further studies should be made of cost-of-living trends and other aspects of the general problem. In 1946, the General Assembly, in fixing the salaries of members of the International Court of Justice, had taken into account increases in the cost of living which had already occurred; the Advisory Committee felt, therefore, that the proper procedure to be followed regarding the question before the Fifth Committee would be not to discount any possible rise in the cost of living as the result of devaluation, but to wait until such a rise took place. It therefore saw no reason for altering the existing basis for payments of salaries and allowances to members of the International Court. If the cost of living showed a significant increase that question could be the subject of a separate study unconnected with the question of salaries of members of the Court, due regard being had to whether or not any rise in the cost of living could be absorbed at such a salary level without hardship.

75. As regards the salary of the Registrar, he could add nothing to the statement in paragraph 4 of the Advisory Committee's report.

76. In conclusion, he emphasized that the Advisory Committee was not competent to enter into the question of the interpretation of the terms of paragraph 5 of Article 32 of the Statute of the International Court of Justice.

77. Mr. VAN ASCH VAN WIJCK (Netherlands) said it had always been a source of great satisfaction to the Netherlands Government that The Hague had been chosen as the seat of the Permanent Court of International Justice and later as the seat of the International Court of Justice. The Netherlands Government had endeavoured to facilitate the installation and functioning of the Court and would continue to do so.

78. The Netherlands delegation had listened with great attention to the statement of the President

of the International Court of Justice and to that of the Deputy Registrar. It had read with particular interest the letter dated 3 November 1949 addressed to the Secretary-General of the United Nations by the Deputy Registrar (A/C.5/336, annex), in which reference had been made to the 1950 estimates for salaries of the members of the Court and to the devaluation of the florin.

79. As members of the Fifth Committee would remember, General Assembly resolution 19 (I) and 85 (I) had fixed the amount of the said emoluments in florins, and the Netherlands delegation would have no objection to an arrangement fixing in dollars the salaries and emoluments of members and of the Registrar of the Court, the corresponding budget credits being already expressed in this currency. In the opinion of his delegation, payments made in the Netherlands of these would be effected in Netherlands currency, and he hoped that the Deputy Registrar would agree with him on this point. Like the previous discussions, a new arrangement should also be embodied in a resolution, and the draft which appeared in the Secretary-General's memorandum (A/C.5/336) was not unacceptable to his delegation.

80. Mr. TARN (Poland) said his delegation supported the Advisory Committee's report. He asked whether, if the dollar were devalued, judges of the International Court of Justice would have the right to claim that their salaries and allowances should be calculated on a gold basis. He could not agree with the President of the International Court that the legal and constitutional aspects of the problem should be examined by the Sixth Committee. As the judges of the Court did not live in the Netherlands they would not be affected by a rise in the cost of living in that country as would the Registrar, Deputy Registrar and staff of the Registry.

The meeting rose at 1 p.m.

TWO HUNDRED AND TWENTY-FIFTH MEETING

Held at Lake Success, New York, on Wednesday, 16 November 1949, at 3 p.m.

Chairman: Mr. A. KYROU (Greece).

Budget estimates for the financial year 1950 (first reading continued)

PART X

SECTION 27 (continued)

1. Mr. SHANN (Australia) said it was incorrect to interpret Article 32 of the Statute of the Court as providing that the salaries of the Judges and the Registrar of the International Court of Justice should be calculated in dollars. He would not object to a study being made on the effects of devaluation on the salaries of the members of the Court. But it should not be contemplated to increase those salaries to offset entirely the drop in value due to devaluation. For the time being, the salaries of the judges and the Registrar should not be changed and consideration of the effects of devaluation should be postponed until the General Assembly's next session. The Australian delega-

tion accepted the report of the Advisory Committee on Administrative and Budgetary Questions (A/1087).

2. Mr. MACHADO (Brazil) thought that, broadly speaking, the opinion given in the Advisory Committee's report was acceptable. Still, there were some important points to be borne in mind in the consideration of the matter. Resolution 19 (I) had been adopted during the first session of the General Assembly, fixing the salary of the judges of the Court at a rate 20 per cent higher than that formerly applicable to the Judges of the Permanent Court of International Justice, with a view to making allowance for the rise that had taken place in the cost of living in the Netherlands between 1939 and 1946. The salaries of the judges had been calculated in florins although the United Nations budget was drawn up in United States dollars. If the reasons for which the General Assembly had increased the salaries of the judges

by 20 per cent over the rate in force before the Second World War were taken into consideration, there seemed to be no justification for changing those salaries at the current stage, since the cost of living in the Netherlands had not seriously increased since 1946.

3. Nevertheless, the judges did not live at The Hague throughout the year; that was a privilege implicitly allowed them under the Statute of the Court. Thus while in the Netherlands the judges' purchasing power had not changed, their salaries would not enable them to buy as many dollars as before the devaluation. In practice, the salaries had been cut and hence consideration should be given to the application of Article 32, paragraph 5 of the Statute of the International Court of Justice. Accordingly, the question would have to be reconsidered, for the judges might be forced to resign for financial reasons, which would have an unfortunate effect on the prestige of the United Nations.

4. It might also be asked whether the United Nations was justified in taking advantage automatically of possible fluctuations in the exchange rate. The question affected the contracts of the officials of the Organization and, since it involved a legal point, should be settled by the competent persons.

5. The Brazilian delegation supported the Secretary-General's draft resolution (A/C.5/336) without, however, entirely disapproving of the Advisory Committee's comments. It was clearly necessary to give due weight to all the factors and not only to those of an administrative and budgetary nature.

6. Sir William MATTHEWS (United Kingdom) said it would be regrettable if the burden in terms of dollars were to be increased by converting the salaries of the judges of the Court. The result of the proposal would be to raise the salary of a judge from 54,000 to 77,000 florins. Member States were anxious to use their soft-currency resources for the payment of as much of their contributions as was possible; to convert to dollars the salaries of judges would have precisely the opposite effect, besides yielding an increase of over 40 per cent in their remuneration in florins.

7. The salaries of the judges should not be compared with the salaries paid in dollars to officials of the United Nations working at the temporary headquarters; such a comparison was fallacious. The judges were receiving the same sum in florins as they received before devaluation. Devaluation had not affected the amount of their salaries and allowances fixed by the General Assembly.

8. In order to simplify budget accounts the salaries paid in florins were calculated in dollars. Dollars were no more in the circumstances than a unit of account. A reduction in the appropriations expressed in dollars would not infringe Article 32, paragraph 5, of the Court's Statute under which the salaries of the judges should not be decreased. In fact the salaries paid in florins had not decreased.

9. The United Kingdom delegation considered that an important question of principle was at issue. The countries of Europe were trying to keep wage and price rates at the pre-devaluation level; if wages and prices rose many of the advantages they hoped to derive from devaluation would

be lost. It would be most regrettable if the United Nations took any measure which would encourage a further rise in salaries and wages. Since the emoluments of the President and members of the Court were high, there could be no justification for raising them still higher. His delegation supported the Advisory Committee's report.

10. Mr. COOPER (United States of America) felt the item before the Committee offered no legal aspects and hence need not be referred to the Sixth Committee. When the salaries of United Nations officials had been fixed consideration had been given to certain important factors. One of the most important had been stability of salary. That consideration applied to the members of the Court as much as to officials of the United Nations. The solution required was one which guaranteed the stability of the judges' salaries.

11. He recalled that the court was in session for between four and six months of the year. During that time the judges incurred expenses in florins. Those expenses accounted for a greater or lesser part of their salaries. Hence during their residence in the Netherlands the judges' purchasing power would certainly not be reduced. For the rest of the year the members of the Court went to their own countries. Their expenses there accounted for the rest of their salaries. It was at that point that they might suffer the consequences of devaluation and it was in that respect that a satisfactory solution must be found; such solution would have to guarantee some stability in the real value of their income, irrespective of residence.

12. He thought the Secretary-General should be empowered to seek such a solution, in consultation with the Advisory Committee and the representatives of the International Court of Justice.

13. Mr. POLLOCK (Canada) said the dignity of the members of the International Court of Justice had to be maintained. There were two complex aspects, legal and financial, to the question under discussion. It had been argued that the judges' incomes would be seriously reduced if their salaries were kept at the pre-devaluation rate. In fact, some of the judges such as the English and Belgian judges, would receive salaries equal or nearly equal to those they had received before devaluation. As they lived in the Netherlands during much of the year, they would not suffer a reduction in their purchasing power in that country, where prices had not risen greatly since 1946.

14. He had no objection to the calculation of the judges' salaries in dollars, if that would give the members of the Court greater stability. However, such a step would constitute a precedent which should first be examined in all its respects. The Advisory Committee and the Secretary-General proposed solutions representing two extremes, between which it should be possible to find a compromise.

15. For those reasons, Mr. Pollock supported the United States representative's proposal that the Secretary-General should make a further study of the problem. If that suggestion was not adopted, the Fifth Committee would have to wait until the next session to study the consequences of devaluation. In the absence of any constructive proposal, he would support the recommendations of the Advisory Committee.

16. Mr. HSIA (China) recalled that in 1946 he had been chairman of the Joint Committee of the Fifth and Sixth Committees which had fixed the salaries of the Judges and the Registrar of the International Court of Justice. At that time the salaries had been expressed in florins for the following reasons: the salaries of the Judges of the Permanent Court of International Justice had been fixed in that currency while the budget of the League of Nations had been in Swiss francs. Furthermore, it had seemed logical to fix the salaries of the judges in the currency of the country in which the Court had its seat. Finally, it was sound policy, in an international organization, to pay officials in the currency of the country in which they resided. The United Nations budget was expressed in dollars because the United Nations had its headquarters in the United States. The budgets of the United Nations offices in the different European countries were expressed in dollars in the budget estimates but the officials were paid in the currency of the country in which they resided. There was therefore no reason to fix the salaries of the members of the Court in dollars, and he would accordingly support the Advisory Committee's recommendations.

17. Mr. LEBEAU (Belgium) said that he believed the matter of the salaries of the Judges and of the Registrar of the Court would not give rise to controversy. He had noted with regret on reading document A/1087, which had been distributed very late, that the Advisory Committee had reached conclusions which were diametrically opposed to the solution recommended by the Secretary-General in document A/C.5/336. It was difficult to choose between the two points of view, which had each a logical basis; it was a borderline case. Nevertheless the Belgian representative was impressed by the legal and factual argument put forward by the spokesman of the Court.

18. The appropriations for the judges' salaries were expressed in dollars in section 27 of the budget estimates (A/903, page 243). If, as had been suggested in the Secretary-General's memorandum (A/C.5/336, paragraph 3), the amount of the salaries paid to the judges in florins was converted into dollars at the old rate, the appropriation for that purpose would amount to exactly the same figure as in section 27. Consequently it would be inaccurate to say, as was stated in paragraph 3 of the Advisory Committee's report (A/1087), that payment of salaries at the old rate would "result in an appreciable increase in the emoluments of the members of the Court." On the other hand, if those salaries were maintained at their present scale in florins, the total shown in section 27 would show a dollar credit lower by 30 per cent. That would, in fact, reduce the amount of the appropriations of the United Nations community for the salaries of the judges of the Court and would be an infringement of Article 32, paragraph 5 of the Statute of the Court. Mr. Lebeau recalled that on repeated occasions it had been stressed that the budget of the United Nations constituted a whole, which comprised, *inter alia*, the expenditure of the Court; and that budget was expressed in dollars.

19. From a practical point of view the proposal of the Advisory Committee gave rise to several objections. Mr. Lebeau recalled that the judges were not obliged to reside permanently in the Netherlands, and that they usually did not remain

there during the whole interval between sessions. Part of the function of judges was to study and prepare the cases submitted to them, and it was natural that they should do so in the countries where they resided habitually, and where they were familiar with their sources of information and research. The United Nations should bear that point in mind. The maintenance of salaries at the same rate in florins would be prejudicial to some judges whose countries had not devalued to the same extent as the Netherlands.

20. The Deputy Registrar had mentioned the amounts which would be paid to the judges if the proposal of the Advisory Committee was adopted. If those amounts were compared with the emoluments of certain members of the personnel of the United Nations — not only of those belonging to the regular Secretariat but of some officials such as the Principal Secretary of the Commission for India and Pakistan or the Plebiscite Administration in Kashmir — it would be evident that the salaries of those judges, expressed in dollars, were considerably lower. That should not be so: judges must be independent. It should be remembered that they could not undertake any lucrative work other than their functions at the Court.

21. The representative of the United States had very rightly observed that the judges must be assured of a stable salary. It was therefore essential to take measures which would prevent the devaluation of the florin from having prejudicial effects for certain members of the Court. Perhaps such a solution as that proposed by the United States representative could be adopted, by which a portion of the salary would be calculated in florins at the rate in force before devaluation and the remainder in florins at the current rate. Such an arrangement, however, would be open to the objections in principle expressed by the Court spokesman. The Belgian representative could therefore not approve the recommendations of the Advisory Committee and he would support the draft resolution contained in the memorandum of the Secretary-General (A/C.5/336).

22. Mr. ROSCHIN (Union of Soviet Socialist Republics) said the General Assembly had fixed the salaries of the members of the Court in florins intentionally. The Fifth Committee could not come to a decision on the question in full knowledge of the facts until the following session of the General Assembly. For that reason, he supported the Advisory Committee's recommendations, though without prejudice to the USSR attitude at any future consideration of the item.

23. Mr. GANEM (France) did not think that the Fifth Committee could take a decision on the problem at that meeting. If it adopted the recommendations of the Advisory Committee or the draft resolution submitted by the Secretary-General, it would be deciding in favour of an oversimplified solution. He was inclined to agree with the United States representative's suggestion, and felt that the appropriations approved in the first reading for the salaries of the members of the Court should stand for 1950.¹ The Committee might then ask the Secretary-General to increase, to a reasonable extent, the item "Effect of devaluation" that had been approved by the Committee at the preceding meeting.

¹ See the summary record of the 206th meeting.

24. Mr. GARNIER-COIGNET (Deputy Registrar of the International Court of Justice), replying to the question raised by the Netherlands representative during the previous meeting, said that all the payments made to members of the Court in The Hague had always been made in florins and would continue to be so made.

25. Replying to the question of the Polish representative, he said that the currency standard to which the Court referred was the United States dollar, the currency in which the accounts of the United Nations were kept.

26. Mr. MACHADO (Brazil) supported the French representative's suggestion. The question raised was not a simple question of currency but involved the terms of Article 32, paragraph 5 of the Court's Statute. Hence the dollar appropriations approved in the first reading should stand and the Secretary-General should be requested to reconsider the question before the following session.

27. Mr. COOPER (United States of America) presented the following proposal:

"The Fifth Committee requests the Secretary-General, in consultation with the Advisory Committee and the representatives of the International Court of Justice, to review the question of payment of salaries and allowances of the Judges and Registrar of the International Court of Justice, taking into consideration:

"(1) The general salary and allowances policies of the United Nations;

"(2) The effect of devaluation on the real income of the judges and Registrar.

"In the light of these consultations, the Secretary-General is requested to submit to the Fifth Committee at this session, if possible, any recommendations arising therefrom. If it is found impossible for the Secretary-General to submit recommendations at this session, he shall inform the Committee accordingly."

28. Mr. TARN (Poland) said the United States proposal added nothing new. He did not think it desirable that discussion of the question should be postponed. The Fifth Committee could forthwith come to a considered decision since it had before it the Secretary-General's memorandum and the Advisory Committee's report and had heard the statements of the President of the International Court of Justice.

29. Mr. SHANN (Australia) agreed with the Polish representative. It was difficult during the current session to estimate accurately what effects devaluation might have on the real income of the members of the Court. Devaluation would take some months to make its effects felt. He announced that he would vote for the Advisory Committee's recommendations.

30. Mr. PRICE (Assistant Secretary-General in charge of the Department of Administrative and Financial Services) said the Secretary-General had no recommendation to make with regard to the question of the salaries of the judges. That was a question to be discussed between the General Assembly and the Court. The Secretary-General did, however, wish to help the Fifth Committee to the greatest possible extent in finding a solution. Referring to the United States proposal, Mr. Price pointed out that there was little chance that

a further study of the question during the present session would produce any satisfactory result.

31. Mr. LEBEAU (Belgium) wondered how the Secretary-General would be able to make a study of the real income of the members of the Court. He said that he was against the United States proposal and supported the French representative's suggestion.

32. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) shared Mr. Price's opinion. It would be difficult forthwith to undertake a study of the effects of devaluation on the real income of the members of the Court. It would be preferable to adopt the Advisory Committee's recommendations; the Fifth Committee could re-examine the question at the next session and give retroactive effect to any decision it then adopted; all the necessary information would be available by then.

33. Mr. GANEM (France), without relinquishing his own suggestion, said he supported the United States proposal; the latter would save the Fifth Committee from adopting one or other of the extreme solutions proposed.

34. Mr. LEBEAU (Belgium) asked what was meant in the second sentence in paragraph 3 of document A/1087 where it was stated that "... the Advisory Committee believes that the existing arrangements should stand..."; he inquired if that meant that the appropriations set aside for the International Court of Justice in the United Nations budget should not be changed.

35. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the amount set aside for the Court had been fixed before devaluation. Hence the effects of devaluation should be considered.

36. Mr. LEBEAU (Belgium) pointed out that, according to Mr. Aghnides' explanation, the system proposed by the Advisory Committee resulted in a reduction of the appropriations provided in section 27 of the budget, by the same percentage as that of the devaluation of the florin. Thus the Organization would be effecting economies at the expense of members of the Court. The Belgian representative did not think that that was right.

37. Mr. POLLOCK (Canada) supported the United States proposal.

38. The CHAIRMAN said that, as it was a procedural motion, he would first put to the vote the United States proposal authorizing the Secretary-General to enter into consultations with the Advisory Committee and the Court before the Fifth Committee took a final decision.

The United States proposal was adopted by 14 votes to 10, with 9 abstentions.

39. Sir William MATHEWS (United Kingdom) and Mr. SHANN (Australia) thought that the Secretary-General might find it very difficult to make a study of the results of devaluation during the current session. If the Secretary-General did not submit any conclusions on that point, the Committee should decide in favour of the Advisory Committee's recommendations.

40. Mr. LEBEAU (Belgium) and Mr. MACHADO (Brazil) asked the Assistant Secretary-General what was meant by the "real income" of the members of the Court.

41. Mr. PRICE (Assistant Secretary-General in charge of the Department of Administrative and Financial Services) said that it was not his place to give an interpretation of the intentions of the author of the United States proposal.

FINANCIAL IMPLICATIONS OF A DRAFT RESOLUTION
PROPOSED BY THE FIRST COMMITTEE

42. Mr. MACHADO (Brazil) said he had no reservations to make on the recommendations of the Advisory Committee on Administrative and Budgetary Questions relative to the financial implications of the First Committee's draft resolution on the question of the disposal of the former Italian colonies. He drew the attention of the meeting to paragraph 2 of the Advisory Committee's report (A/1091), a paragraph of considerable importance as regards the procedure of the Main Committees and the competence of the Fifth Committee.

43. The First Committee had made an innovation when it adopted a resolution containing recommendations relating to administrative and financial questions. He would prefer it if Committees, when dealing with questions of substance, refrained from making recommendations which came within the province of the Fifth Committee alone and from thus prejudging the decisions of the Fifth Committee. It would be unfortunate if the precedent created by the First Committee were followed by other organs. It should be clearly understood that the Fifth Committee alone was responsible for United Nations expenditure.

44. As regards paragraph 4 of the Advisory Committee's report, Mr. Machado recalled that there had been some doubts as to whether the expenses of the four indigenous members of the Council for Libya would be defrayed by the United Nations; the First Committee had settled that point, and in so doing had settled a fundamental question of principle.

45. Mr. FOURIE (Union of South Africa) divided the financial implications of the decision taken on the disposal of the former Italian colonies into four categories: (1) expenses of the United Nations Commission for Eritrea; (2) expenses of the Advisory Council for Italian Somaliland; (3) expenses of those members of the Council for Libya who represented the population of Libya; (4) expenses of the United Nations Commissioner for Libya.

46. As far as the United Nations Commission for Eritrea was concerned, he thought that the Governments of the States represented on the Commission should, to the extent possible, bear its expenses. It was true that the Secretary-General's proposals on the matter were in accordance with the procedure followed in similar cases, but, still, an exception might be made.

47. The case of the Council for Libya and the Advisory Council for Italian Somaliland was a new one and the decision taken would set a precedent. The Fifth Committee should, as far as possible, reduce expenses for the United Nations by making the Member States who were responsible meet those expenses.

48. He could not understand why the United Nations would be paying the travelling expenses and subsistence allowances of the representatives of the Libyan population on the Council for Libya.

On that point he was in agreement with the Advisory Committee's view as expressed in paragraph 4 of its report.

49. Mr. ROSCHIN (Union of Soviet Socialist Republics) objected to the United Nations being responsible for the financial implications of the decision taken regarding the former Italian colonies. Those expenses should be borne by the States Members represented on the proposed bodies and councils. It was a privilege, in fact, to be a member of a body which would definitively settle the future of the former Italian colonies.

50. His delegation had objected in the First Committee to the appointment of a United Nations Commissioner for Libya. In its opinion the expenses arising from such a decision should be defrayed by Administering Authorities.

51. There had been an earlier commission of investigation in Eritrea in 1946 and 1947. Hence it was unnecessary to send a second commission, and the United Nations should not bear those expenses. He added that he would vote against any proposal for the granting of funds in connexion with the question of the disposal of the former Italian colonies.

52. Mr. HSIA (China) also felt that paragraph 2 of the Advisory Committee's report was very important and asked Mr. Agnides to comment on it.

53. Mr. DE HOLTE CASTELLO (Colombia) recalled that in the First Committee his delegation had urged that the study of the financial implications of the various resolutions submitted regarding the disposal of the former Italian colonies should be referred to the Fifth Committee. The United States representative had suggested, however, that detailed proposals regarding the financial implications of the decisions taken should be sent to the Fifth Committee.

54. The Secretary-General had submitted a report in that connexion in order to help the First Committee, which was not competent to deal with questions coming solely within the competence of the Fifth Committee. That report had been discussed, and in spite of the opposition of some representative to the procedure followed, section D of the draft resolution had been adopted.

55. The Fifth Committee had before it several resolutions which were part of a whole. It was difficult to decide whether the First Committee had or had not usurped certain prerogatives of the Fifth Committee, but the fact remained that it had reached a decision taking into account certain political considerations with which the Fifth Committee was not dealing.

56. The CHAIRMAN suggested that the Rapporteur should state in her report that the Fifth Committee was the only Committee competent to deal with administrative and budgetary questions.

57. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) pointed out that the General Assembly distributed the items on its agenda among the Committees which were all on an equal footing. The special importance of the First Committee in the political field did not confer on that Committee the right to deal with administrative and budgetary questions. The Main Committees should be careful not to exceed their competence as that might lead to discord and chaos.

58. Mr. TARN (Poland) supported the USSR representative and said he would also vote against the appropriations requested by the Secretary-General in document A/C.5/351.
59. He noted with surprise that under the resolution adopted by the First Committee Italian Somaliland would be a Trust Territory, the Administering Authority being Italy. He feared that such a decision was inconsistent with the provisions of the Charter and he suggested that the First Committee's resolution should be referred to the Sixth Committee.
60. Mr. LEBEAU (Belgium) recalled that in the First Committee the Belgian delegation had stressed the fact that the study of the financial implications of the First Committee's decisions was a matter for the Fifth Committee.
61. He agreed with the Advisory Committee's opinion, as expressed in paragraph 4 of its report, but felt that the expenditure in question should be borne by the State of Libya which it was proposed to form. The same applied to the Advisory Council for Somaliland. That Council was to help the Administering Authority which should, therefore, defray the expenses.
62. He noted that the Secretary-General was proposing to negotiate with the Administering Authority regarding the reimbursement of expenses incurred by the United Nations in respect of staff and advisory services. Those negotiations should, he felt, also cover the question of the travelling expenses of members of the Commission.
63. Mr. CHHATARI (Pakistan) did not understand the trend of the discussion. Apparently some Powers which had not succeeded in the First Committee in attaining their objectives regarding the disposal of the former Italian colonies were trying to do so in the Fifth Committee. It was wrong to claim that the First Committee had usurped certain prerogatives of the Fifth Committee. The Main Committees of the General Assembly had been set up to study the items on the Assembly's agenda and it was evident that the Fifth Committee would have no *raison d'être* if there were no other Committees to take decisions of substance.
64. It had been suggested that the expenses of the various organs to be set up should be borne by the Member States which would be members of those organs or by the future States of Libya and Somaliland. He challenged that the decisions taken by the First Committee had been taken by the United Nations as a whole and not on the recommendation of certain Member States.
65. The CHAIRMAN asked the representative of Pakistan to confine his remarks to the administrative and budgetary aspects of the question.
66. Mr. VOYNA (Ukrainian Soviet Socialist Republic) said each representative had the right freely to express his views. The First Committee itself had taken certain decisions in a matter for which it had no competence.
67. The CHAIRMAN explained that he had simply requested the representative of Pakistan to confine his remarks to the aspects of the question under discussion.
68. Mr. CHHATARI (Pakistan) said he had had no intention of straying from the subject under discussion. His reasons for objecting to certain proposals regarding the financing of the expenses envisaged were not based on purely financial considerations.
69. The United Nations should defray the costs incurred from decisions taken in its name and in its interests. Furthermore, it was difficult to decide that certain expenditure should be borne by Libya and Somaliland while those two countries still had no Government. That question could hardly be raised until those countries applied for admission to the United Nations.
70. Mr. EL KONI (Egypt) stressed the importance of the decisions taken regarding the disposal of the former Italian colonies. The countries appointed to serve on the various bodies envisaged would work in the name of the United Nations and in its interests. The United Nations should, therefore, supply the necessary funds. He disagreed with the representative of the Union of South Africa. He felt, on the contrary, that those expenses should be treated as a whole.
71. Mr. VAN ASCH VAN WIJCK (Netherlands) said the proposal before the Committee seemed to conflict with resolution 231 (III) of the General Assembly on the expenditure of members of certain organs of the United Nations.
72. The United Nations Commission on Eritrea seemed to fall into the category of commissions of investigation, in the case of which the Organization reimbursed the travelling expenses of members of those commissions and paid them a subsistence allowance. The case of Libya and Italian Somaliland was different, since they would not have commissions of investigation, but bodies in continuous session. The General Assembly had decided that in that case the Organization would not reimburse members' travelling expenses and would not pay them a subsistence allowance.
73. He shared the views of the Advisory Committee with regard to the travelling expenses and subsistence allowances of the representatives of the local population on the Council for Libya.
74. Mr. MACHADO (Brazil) said he had not criticized the First Committee's decision as such, but the fact that that decision departed from the usual procedure. He considered that the Organization should be responsible for the expenses of commissions which it appointed, if the members were chosen by the United Nations and if the commissions were answerable to the United Nations for their activities. Members of those commissions would be working not for their own Governments, but for all the Members of the Organization.
75. Mr. WITHERSPOON (Liberia) said the last sentence of paragraph 10 of the report of the Advisory Committee (A/1091) served as a partial reply to the objections raised by the representative of Pakistan. He considered that the Organization should bear the expenditure involved in the establishment of new organs of the United Nations.
76. The decisions taken by the First Committee on the disposal of the former Italian colonies were politically very important; any expenditure involved under that head would be one of the best investments that the Organization could make.
77. Mr. COOPER (United States of America) agreed with the Chairman and Mr. Aghnides that

there might be some doubt as to the First Committee's competence to make recommendations on administrative and financial questions.

78. He agreed to the recommendations of the Advisory Committee, with the exception of the proposed reduction of 26,000 dollars for the Advisory Council for Italian Somaliland and the reduction of 13,000 dollars for the United Nations Commission on Eritrea. The First Committee might have had special reasons for deciding that the United Nations Commission on Eritrea should meet at Lake Success before going to Eritrea and for ordering the payment of the travelling expenses and subsistence allowances of the four members of the Libyan Council who would represent the population of Libya.

79. He therefore proposed that the total of the appropriations recommended by the Advisory Committee should be increased by 39,000 dollars.

80. Mr. TARN (Poland) referred to Article 81 of the Charter, and pointed out that that Article did not provide for the case of a non-member State becoming an Administering Authority. In those circumstances, he could not see how the provisions of Article 84 could be satisfied since non-member States had no obligations to the Security Council. He therefore considered that the decision taken by the First Committee was inconsistent with the Charter and proposed that the resolution be referred back to the Sixth Committee.

81. Mr. SHANN (Australia) said he would support, though somewhat reluctantly, the United States proposal. The First Committee should not have made recommendations on administrative and financial questions; besides, those recommendations were in conflict with an earlier decision of the Assembly. Nevertheless, if the Fifth Committee did not accept the First Committee's recommendations, it would be mutilating the draft resolution, and the question might consequently be referred back to the First Committee. In those circumstances, although he agreed with the Advisory Committee in principle, he would support the United States proposal for practical reasons.

82. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) considered that it was not absolutely essential for the United Nations Commission on Eritrea to meet at Lake Success before going to Eritrea. There were other less costly methods of carrying out the necessary consultations. Moreover, the estimated cost of the journey of members of that Commission to Lake Success amounted to only 5,000 dollars.

83. Mr. COOPER (United States of America) proposed an addition of 31,000 dollars instead of 39,000 dollars to the sum recommended by the Advisory Committee.

84. Mr. ASHA (Syria) supported the United States proposal and asked the Secretary-General's representative to give the views of the Administration on the report of the Advisory Committee.

85. Mr. ANDERSEN (Secretariat) said the Secretary-General's estimates in document A/C.5/351 had been prepared on the basis of the resolution adopted by the First Committee. If the Fifth Committee recommended certain amendments to that resolution, the Secretary-General would welcome any savings that those amendments might involve.

86. The number of the staff proposed for the three organs had been calculated on the basis of previous experience. Nevertheless, the Secretary-General would agree to the reduction proposed by the Advisory Committee, on the understanding that he could fall back on the Working Capital Fund if necessary.

87. The First Committee had decided to establish an Advisory Council for Libya and to appoint a Commissioner. The Secretary-General had inferred that the activities concerned were the sole responsibility of the Organization, and that in those circumstances the United Nations would not be justified in asking for any reimbursement.

88. The Advisory Council for Italian Somaliland would have to advise Italy, as the Administering Authority. Since the Administering Authority was not a Member of the United Nations, the Secretary-General had considered that he would be justified in requesting reimbursement for expenses incurred in respect of that territory.

89. Finally, the Secretary-General considered the United Nations Commission for Eritrea to be a commission of investigation, the expenses of which were normally borne by the United Nations.

90. Mr. MACHADO (Brazil) said the reductions recommended by the Advisory Committee were motivated, firstly, by a legitimate wish for economy and, secondly, by certain divergencies between its views and those of the First Committee. Those differences explained the reductions recommended for the payment of the travelling expenses and subsistence allowances of the indigenous members of the Council for Libya, for travelling expenses of the members of the United Nations Commission on Eritrea to Lake Success, and for the payment of the travelling expenses and subsistence allowances of alternate members of the Commission on Eritrea.

91. He thought it essential to establish the precise figures of the reductions recommended at variance with the First Committee's decision.

92. The Secretary-General had prepared estimates for the expenditure involved in executing the decisions of the First Committee. He would be unable to execute those decisions if the Fifth Committee was to adopt the recommendations of the Advisory Committee. That was why it was important to know the exact sums involved in the proposed reductions.

93. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said the question raised by the Brazilian representative touched on delicate problems and would not contribute to resolving the dispute between the First and Fifth Committees.

94. Mr. ANDERSEN (Secretariat) explained that the reductions recommended by the Advisory Committee for the travelling expenses and subsistence allowances of representatives of the Libyan population to the Council for Libya amounted to 26,000 dollars; to 5,000 dollars on the travelling expenses of members of the United Nations Commission on Eritrea to Lake Success; and to 21,000 dollars on the travelling expenses and subsistence allowances of the alternate members of that Commission.

95. Mr. VOYNA (Ukrainian Soviet Socialist Republic) recalled that the First Committee had

considered an anonymous document on the financial implications of its proposed decisions. In spite of the remarks of certain representatives, who had rightly considered that the document should be considered by the Fifth Committee, the representative of the United States had signified his intention of supporting it. That had been the origin of the First Committee's recommendation of administrative and financial questions.

96. He considered that the expenditure involved by decisions on the disposal of the former Italian colonies should be borne by the Member States which had the honour of participating in the solution of that problem, or, in other words, the members of the organs to be established. It was inconceivable that the United Nations should have to bear all those expenses.

97. Mr. ASHA (Syria) proposed the addition of 52,000 dollars to the sum recommended by the Advisory Committee; that meant restoring the appropriations for the payment of the travelling expenses and subsistence allowances of the alternate members of the United Nations Commission on Eritrea, as well as those that the United States representative had already proposed to restore.

98. Mr. COOPER (United States of America) withdrew his proposal in favour of that of the Syrian representative.

99. Mr. SHANN (Australia) considered that the Syrian proposal was a logical one. He would support it for the same reasons as those which had led him to support the United States proposal.

100. The CHAIRMAN put to the vote the Polish

proposal to refer the resolution adopted by the First Committee to the Sixth Committee.

The Polish proposal was rejected by 19 votes to 5, with 6 abstentions.

101. The CHAIRMAN put to the vote the USSR proposal that the United Nations should bear no expenses in connexion with the disposal of the former Italian colonies.

The USSR proposal was rejected by 28 votes to 5, with no abstentions.

The Syrian proposal to restore 52,000 dollars to the sum recommended by the Advisory Committee was adopted by 18 votes to 11, with 1 abstention.

102. In reply to a question asked by the Belgian representative, Mr. ANDERSEN (Secretariat) said the Secretary-General would negotiate with the Administering Authority on the reimbursement of expenditure incurred in respect of the services of the Secretariat and of the members of the Advisory Council for Italian Somaliland.

The financial implications of the draft resolution proposed by the First Committee, amounting to 452,000 dollars, were approved by 24 votes to 5, with 3 abstentions.

103. Mr. VOYNA (Ukrainian Soviet Socialist Republic) said the First Committee had spurned the principle of geographical distribution in electing the members of the new organs; he hoped that that principle would be respected in the choice of the members of the Secretariat to be attached to those organs.

The meeting rose at 6.45 p.m.

TWO HUNDRED AND TWENTY-SIXTH MEETING

Held at Lake Success, New York, on Friday, 18 November 1949, at 3 p.m.

Chairman: Mr. A. KYROU (Greece).

Budget estimates for the financial year 1950 (first reading continued)

FINANCIAL IMPLICATIONS OF TWO DRAFT RESOLUTIONS PROPOSED BY THE AD HOC POLITICAL COMMITTEE

1. Mr. FOURIE (Union of South Africa) read paragraph 29 of the report of the Special Committee on a United Nations Guard (A/959). He recalled that during the discussion in the *Ad Hoc* Political Committee several delegations had expressed their interest in paragraph 29. The delegation of the Union of South Africa had asked that the paragraph be included in the communication from the Chairman of the *Ad Hoc* Political Committee to the President of the General Assembly.

2. The South African delegation was aware of the difficulties which the establishment of a United Nations Field Service would entail. It was probably too much to expect that, during the first year of such a Service, the expenditure contemplated would be entirely offset by savings on the mission budgets. The South African delegation nevertheless hoped that the terms of paragraph 29 would be applied in succeeding years. Mr. Fourie stated that if savings were not contemplated under that heading in the 1951 budget his delegation would raise the question again.

3. Mr. TARN (Poland) read section I (B) of document A/C.5/348 relative to the estimated savings to be achieved through the establishment of a United Nations Field Service, and pointed out that the expenses envisaged "would be partly compensated by savings to be achieved in the budgets of the various missions" as a result of "the deletion of the provisions made in those budgets for payment of salaries to the staff to be absorbed in the Field Service" and of "the reduction of the provisions made under the same budgets for subsistence allowances for that staff". Mr. Tarn finally referred to paragraph 4 of the twenty-third report of 1949 of the Advisory Committee on Administrative and Budgetary Questions (A/1088), where it was stated that the expenditure budget of the Field Service reflected the savings likely to result from the recent devaluation of certain national currencies.

4. The Polish representative asked whether the contemplated savings were finally to result from the elimination or reduction of the appropriations mentioned in document A/C.5/348, or from the devaluation of currencies.

5. Mr. PRICE (Assistant Secretary-General in charge of Administrative and Financial Services) said that steps would be taken to effect economies by eliminating or reducing appropriations. As far as the results of devaluation were concerned, Mr.