

mittee on Administrative and Budgetary Questions (A/1085), though prepared, had not been circulated.

61. Mr. TARN (Poland) said that members of the Committee were familiar with the subject from the lengthy discussions that had already taken place,¹ and suggested that it might be sufficient if the Chairman of the Advisory Committee would read out the report of his Committee.

62. Mr. HAMBRO (Norway), supported by Mr. LEBEAU (Belgium) and Mr. VAN ASCH VAN WIJCK (Netherlands) strongly objected to such a procedure which they felt could not be reconciled with the Fifth Committee's responsibility to reach carefully considered decisions on matters involving budgetary appropriations and which

would, in any event, create an unfortunate precedent.

63. Mr. LEBEAU (Belgium), after further discussion of the advantages and disadvantages of the procedure proposed by the representative of Poland, moved for adjournment of the meeting.

The proposal was rejected by 17 votes to 16, with 4 abstentions.

64. Following considerable further discussion, the CHAIRMAN expressed the view that since opinion in the Committee was clearly very much divided, no useful purpose would be served by continuing the procedural discussion. He therefore adjourned the meeting.

The meeting rose at 5.5 p.m.

TWO HUNDRED AND TWENTY-FOURTH MEETING

Held at Lake Success, New York, on Wednesday, 16 November 1949, at 10.45 a.m.

Chairman: Mr. A. KYROU (Greece).

Observations concerning certain documents

1. Before opening the discussion on the agenda for the day, the CHAIRMAN drew the Committee's attention to document A/C.5/L.39, containing the Rapporteur's draft report on the Fifth Committee's debates on the Secretary-General's progress report concerning the United Nations headquarters building, and to document A/C.5/354 giving a summary of the budget situation submitted by the Secretary-General for the information of members of the Fifth Committee.

2. Mr. TARN (Poland), speaking on a point of order, expressed some surprise at the brevity of the summary record of the discussion on the establishment of an information centre in Liberia which had taken place in the Fifth Committee in the 223rd meeting. He pointed out that the procedural point at issue had not been correctly presented, and requested the Chairman to arrange for a correction to be issued.

3. The CHAIRMAN said he would do so.

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

PART II

SECTION 21 (concluded)

4. The CHAIRMAN pointed out that the Secretary-General had submitted a revised estimate (A/C.5/349) of the cost of establishing an information centre in Monrovia, Liberia, with particular reference to its location and size, and that the Advisory Committee on Administrative and Budgetary Questions had reported on that revised estimate (A/1085). Though recommending that the Secretary-General's estimate of the cost of establishing the information centre should be approved, the Advisory Committee had expressed the hope that the additional expenditure might be met out of savings.

5. Mr. MACHADO (Brazil) noted that the Secretary-General's estimate had been prepared with a view to the operation of the information centre in Liberia only, for the first year, pending nego-

¹ See the summary records of the 204th, 205th, 210th and 211th meetings.

tiations for expansion to other parts of the region. If the negotiations with the Administering Authorities of neighbouring Trust Territories were successful, it was to be expected that the Secretary-General would submit increased estimates for the following year. On that understanding he accepted the two reports.

6. Mr. PRICE (Assistant Secretary-General in charge of the Department of Administrative and Financial Services) said that the Secretary-General had no intention of prejudging the budgetary situation for 1951, but that he would undertake the negotiations to which reference had been made.

7. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) drew attention to paragraph 4 of the Advisory Committee's report (A/1085), in which it had expressed the hope that the Secretary-General might be able to meet the cost of establishing the new information centre out of savings on the other information centres or on the budget generally. He also drew attention to the possibility that the Secretary-General might find it advisable to reconsider the location of the centre as a result of his negotiations with the Administering Authorities in neighbouring Trust Territories.

8. Mr. TARN (Poland) declared that he would vote for the appropriation necessary to establish a new information centre in Liberia. On the question whether the funds were to be supplied by a new appropriation or from savings on previous appropriations, however, he wished to submit a formal proposal. In his view, the 20,290 dollars estimated by the Secretary-General for the new information centre in document A/C.5/349, and accepted by the Advisory Committee, should be derived from savings on the large information centres in Paris, Washington and elsewhere, whose budgets he had criticized on several occasions, and which he had not considered to have been justified by the Secretary-General. He wished to propose, therefore, that the appropriation voted on first reading under section 21, Information Centres, should be reduced by 20,290 dollars.

9. The CHAIRMAN pointed out that the appropriate time for such a proposal would be during the second reading of the budget estimates.

10. Mr. TARN (Poland) recalled that he had proposed that the first reading of section 21 should remain open until the estimates for the proposed new information centre in Liberia had been considered;¹ as that had not been possible, he would submit his proposal during the second meeting.

11. Mr. EL KONI (Egypt) whole-heartedly approved the Advisory Committee's recommendation that the Secretary-General's estimate for the establishment of a new information centre should be accepted. Any action leading to the spread of the United Nations influence and the knowledge of its principles and ideals in the African continent would be welcomed by his delegation. He asked why it was intended that the centre's activities should not extend beyond the Republic of Liberia, as stated in paragraph 3 of the Advisory Committee's report (A/1085).

12. Mr. COHEN (Assistant Secretary-General in charge of the Department of Public Information) explained that negotiations would be necessary between the Secretary-General and the Administering Authorities of Trust Territories in the neighbourhood of Liberia before the activities of the information centre could be extended to those Territories. It had therefore been proposed that the centre should operate in Liberia for one year, while the Secretary-General was carrying out the negotiations for the extension of its activities.

13. The CHAIRMAN asked the Committee to vote on the proposal to augment the appropriation for section 21, information centres, by the sum of 20,290 dollars, subject to the reservation that during the second reading there would be a Polish proposal to consider, namely, that the appropriation for section 21 should be reduced by the sum of 20,290 dollars, without prejudice to the establishment of a new information centre in Liberia.

14. Mr. TARN (Poland) pointed out that the Advisory Committee had expressed the view that the cost of the new information centre could be met from appropriations already made. He proposed that the Committee should vote on that suggestion.

15. The CHAIRMAN explained that the Secretary-General's estimated cost of the new centre had been accepted by the Advisory Committee, and that the Fifth Committee was called upon to approve that item on first reading. The further consideration of whether the item was to be financed from an additional appropriation or from savings on appropriations already made would be decided during the second reading of the budget estimates.

16. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) endorsed the Chairman's statement that the Advisory Committee had accepted the estimate of the cost of establishing a new information centre in Liberia. The Advisory Committee's view that that sum might be derived from savings would doubtless be taken into consideration by the Secretary-General, more especially if the Fifth Committee accepted the Advisory Committee's report containing the expression of that view. In any case, however, the matter could be considered during the second reading of the budget estimates.

¹ See the summary record of the 204th meeting.

17. Mr. ROSCHIN (Union of Soviet Socialist Republics) suggested that the Chairman should put to the vote the appropriation of 20,290 dollars for the establishment of the new centre, leaving open the question of the total sum to be appropriated under section 21 of the budget for decision during the second reading.

18. The CHAIRMAN said that the situation would be exactly as described by the USSR representative if a vote was taken on the increase in the total appropriation under section 21. He therefore put to the vote the proposal that the appropriation for section 21, Information Centres, should be augmented on first reading by the sum of 20,290 dollars in respect of the Liberian information centre.

The proposal was accepted by 32 votes to none, with 2 abstentions.

19. Mr. WITHERSPOON (Liberia) expressed thanks to the Secretary-General, the Advisory Committee and the members of the Fifth Committee for the considered attention they had given to the proposal which had just been almost unanimously adopted. He was glad that the procedural obstacles that had arisen had not been allowed to obstruct the ultimate passage of the proposal. The Government and people of Liberia would take the strong support shown by the Committee as a testimony of the friendly interest of the United Nations and endorsement of the principle of the equality of Member States.

20. In response to a question by Mr. TARN (Poland), the CHAIRMAN pointed out that the Liberian proposal (A/C.5/L.19) had been withdrawn in favour of a recommendation to the Secretary-General on the part of the whole of the Fifth Committee, his proposal thereby becoming that of the Committee.

EFFECT OF DEVALUATION OF CURRENCIES BY CERTAIN COUNTRIES ON THE BUDGET ESTIMATES FOR 1950

21. The CHAIRMAN pointed out that the sum of 425,000 dollars given in document A/C.5/335 covered expected savings on all items of the budget except part II, section 6, Investigations and Inquiries, on which the Secretary-General would submit a separate estimate. The Advisory Committee on Administrative and Budgetary Questions had expressed the view in its twenty-first report of 1949 (A/1086) that savings on the items under consideration should amount to not less than 500,000 dollars.

22. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that his Committee had been well aware of the provisional character of estimates on the savings to be derived from currency revaluations. In paragraph 2 of its report it had emphasized the two aspects of the problem, namely, the concrete revaluation figures available and the conjectural increase in prices and had expressed a preference for treating the two aspects separately. The Secretary-General had, however, calculated both factors together as nearly as possible, allowing a margin of 10 per cent for anticipated rises in prices. The Advisory Committee wished, therefore, to emphasize the last phrase of its report, showing that if prices did not rise as anticipated by the Secretary-General, additional savings might be realized.

23. The Advisory Committee had been disappointed to note the relatively small proportion of printing contracts which it was proposed should be placed in soft-currency countries. On a total printing appropriation of over two million dollars the savings envisaged amounted to only 75,000 dollars.

24. The Advisory Committee had frequently discussed with the Secretariat the question of printing United Nations publications outside the United States, and had concluded that the current financial emergency would justify the waiving of the requirement that such publications must be uniform in outward presentation as well as in content. The point had been raised as one of the factors preventing the placing of more printing contracts abroad.

25. Mr. PELT (Assistant Secretary-General in charge of the Department of Conference and General Services) drew attention to chapter III, subparagraph 32 (ii) of the Advisory Committee's second report of 1949 (A/934) in which that Committee had noted the Secretary-General's intention to "dispense, where appropriate, with the issue of bulky volumes of documentation through the use of fascicule printing". That intention, he said, could be carried out almost exclusively with respect to the printing of the records of meetings, which made up about half of the total printing budget. The new system of reproducing those records, which had given satisfaction during and immediately after the third regular session of the General Assembly, was to "print as you go", a policy which was being greatly assisted by the speedy despatch of corrections by delegations.

26. As to half of the printing budget, therefore, nothing could be sent abroad unless a longer period was allowed before the distribution of the printed records, which would considerably reduce the efficiency of the new system.

27. The remaining half was made up of documents for the General Assembly, the three Councils, commissions, special conferences and studies of different types, all of which were included in the first six sections of the budget estimates. Some of those documents, amounting to nearly 25 per cent of the printing budget, were already being printed abroad. The Advisory Committee wished the quantity to be increased. The Secretariat would do all it could, but wished to point out certain disadvantages connected with the placing of printing contracts abroad.

28. Firstly, the control of printing and printing contracts, and in particular the control on competitive bids, could not be as close in European countries as was possible in the United States, where the headquarters staff could supervise the work closely. Effective control might be possible if special offices were established in soft-currency countries, but their cost would, at least in part, outweigh the savings they ensured. Even the assistance of the Geneva office in printing control in Western Europe did not ensure the degree of efficiency that was possible near headquarters.

29. The cost of transportation and the occasional necessity for buying paper with hard currency, though the printing was being done in a soft-currency country, were further factors counterbalancing the saving to be made by placing contracts in soft-currency areas.

30. Finally, the close time-schedule that had to be followed in producing certain documents, particularly when they were requested as a result of one session for the next session of the same organ, made it difficult to guarantee satisfactory service if the contracts were placed abroad.

31. Efforts would be made, of course, to encourage substantive departments to adhere strictly to time-schedules and to enlist the support of Government representatives in meeting the same requirements. In spite of all such efforts, however, Mr. Pelt could not promise that more than 25 per cent of the printing could be sent abroad.

32. Mr. FOURIE (Union of South Africa) regretted that the Secretary-General was unable to promise greater savings as a result of currency devaluations. His delegation had hoped that the fact that the next session of the Trusteeship Council was to be held in Geneva would make it possible to print all documents connected with that session in soft-currency countries, and that, in the case of the regional economic commissions, relevant documents might also be printed in the areas where the meetings were held. In the case of documents in Spanish, moreover, there would seem to be a definite advantage in having them printed in Spanish-speaking countries. Delegations would, he was convinced, not cavil at receiving documents a few weeks later if appreciable savings could thereby be effected.

33. As for the suggestion that printing abroad might necessitate extra staff abroad, surely any such increase would be offset by a decrease in the staff at headquarters, already budgeted for.

34. His delegation would accept the Advisory Committee's recommendations and, while appreciating the Secretary-General's difficulties, hoped that efforts would be made to increase, perhaps to 35 per cent, the proportion of the printing budget expended in soft-currency countries.

35. Mr. PELT (Assistant Secretary-General in charge of the Department of Conference and General Services) assured the representative of the Union of South Africa that the estimates of savings took into account the printing of Trusteeship Council documents in soft-currency countries. The same was true of documents for the regional economic commissions, in so far as the facilities of local printers for printing in foreign languages allowed.

36. The maintenance of staff away from headquarters for such a purpose would only be justified if considerable economies could be effected over and above the additional expense incurred and he himself had never advocated such a course. As for headquarters staff, their number was already calculated on the assumption that 25 per cent of the printing work would be done away from headquarters.

37. Mr. MACHADO (Brazil) said that his delegation would support the Advisory Committee's recommendations. The Fifth Committee had been told that savings amounting to one million dollars might be expected as a result of devaluation of currencies, but since it was apparent that other factors, not to be ignored, entered into the case, the Advisory Committee's proposed reduction of 500,000 dollars must be accepted as a token amount which was the best that could be achieved at the time of speaking.

38. Mr. PRICE (Assistant Secretary-General in charge of the Department of Administrative and Financial Services) pointed out that the million-dollar economy, mentioned by Mr. Andersen at the 206th meeting, had referred to savings on the budget as a whole; the amount in question referred to savings other than those to be effected under section 6 of the budget.
39. No one could foresee the development of the financial situation, especially where price changes were concerned. The Secretary-General had tried to be realistic; the Advisory Committee had taken a more optimistic view, which the Secretary-General did not oppose. The question of how much savings resulting from devaluation would amount to in fact was, however, necessarily speculative.
40. Mr. POLLOCK (Canada) subscribed to the view of the Advisory Committee that it should be possible to achieve greater savings than were contemplated in the Secretary-General's original estimates. But since the Committee had been assured that the Secretary-General would endeavour to make further economies, a vote might be taken.
41. Mr. ROSCHIN (Union of Soviet Socialist Republics) thought that the complicated nature of the question required that any analysis of the results of devaluation should be very carefully carried out. The analysis with which the meeting had been presented was inadequate both in detail and in development. The Secretary-General had stated that appropriations amounting to 4,681,820 dollars would be wholly or partially affected by devaluation, but had not indicated what percentage would be wholly affected and what partially; a more detailed calculation in that respect was required.
42. The Secretary-General anticipated an economy of 397,000 dollars, the equivalent of about 7 per cent of the estimated expenditure affected by currency devaluation. This was very modest saving, when it was considered that currencies had been devalued to the extent of 30 per cent. The same figure of 7 per cent appeared in the savings (41,000 dollars out of 608,000 dollars) anticipated in the budget of the International Court of Justice — a body which sat in the Hague. The item "Other special projects and activities" (A/C.5/335) showed an anticipated saving of 44,200 dollars in an estimated expenditure of 964,500 dollars, thus reflecting economies of only 4½ per cent. The degree of devaluation could be accurately calculated; it should, therefore, be possible to calculate resultant savings accurately. Out of a total of 23 million dollars spent on salaries, why was it calculated that devaluation would affect only 140,000 dollars, on which an economy of 28,000 dollars was anticipated?
43. Again, as regards the budget for contractual printing, it had been stated that 25 per cent of the work could be carried out in soft-currency countries; it should therefore be possible to realize economies amounting to more than 75,000 dollars, which sum accounted for only 15 per cent of such expenditure.
44. In the opinion of the USSR delegation, the estimates were insufficiently detailed, nor was it easy to differentiate between what was calculated and what was merely assumed; even the Advisory Committee's recommendations were based on guess-work. Since the question was one which would be with the Committee for a long while, it was important that that Committee should not be forced by excessive generalization to accept something which it had no means of checking.
45. Mr. Roschin found it difficult to approve even the approximate figure of 425,000 dollars, being convinced that the sum was too low and was not based on a careful consideration of the items with which it was connected. It should be possible, for instance, to calculate with absolute accuracy the savings which would be effected at the London Information Centre.
46. He considered that more exact estimates should be submitted to the Fifth Committee before the latter could be expected to come to a decision.
47. Sir William MATTHEWS (United Kingdom) thought that both the Secretary-General's and the Advisory Committee's estimates were too conservative, and that it would have been helpful to the Committee to have before it the figures deducted under section 6 of the budget, Investigations and Inquiries, in order that they might have a clear idea of the total savings. As the position stood, section 6 was presented on a net basis, so that the actual savings from revaluation were not apparent.
48. The estimated savings of 15 per cent in contractual printing, 10 per cent in permanent equipment and 7 per cent in salaries of the International Court of Justice, seemed especially low, particularly as the latter example would seem to lend itself to accurate calculation.
49. While realizing the problematical factors involved, and while not opposed to the Advisory Committee's conclusions, Sir William thought that with vigour and good will more positive results could be achieved.
50. As for any staff required abroad in connexion with contractual printing in soft-currency areas, surely the additional expenditure would be offset by savings resulting from the application of the differential? Control could, moreover, be exercised from Geneva, even if the actual printing was not carried out there.
51. Sir William recognized the impossibility of obtaining accurate figures, but thought that the Advisory Committee, at its session in March 1950, should re-examine the matter, and call for a report on the practical steps taken to achieve savings as a result of revaluation.
52. Mr. PRICE (Assistant Secretary-General in charge of the Department of Administrative and Financial Services) explained that as regards the item of "Permanent Equipment" it was impossible to say in advance how much of such equipment could be bought in soft-currency areas. The General Assembly would hardly wish the Secretary-General to accept the highest bid, merely because the latter came from a soft-currency country: it was impossible, moreover, to foretell what offers would be made.
53. He agreed with the USSR representative that the Secretary-General's estimates might have been given in more detail, but it had not been wished to overburden the Committee with details which were, in any case, purely conjectural.
54. The figures relating to the International Court of Justice had been furnished by that body,

and the Secretary-General had seen no reason to dispute them.

55. Mr. GARNIER-COIGNET (Deputy Registrar of the International Court of Justice) stated that the economies connected with the International Court of Justice would be 45,000 dollars, and not 41,000, dollars as stated by the USSR representative; the difference of 4,000 dollars was for contractual printing, and had been included in the normal Secretariat budget under that heading.

56. Mr. PELT (Assistant Secretary-General in charge of the Department of Conference and General Services) explained, in reply to the United Kingdom representative, that the savings anticipated under contractual printing were given at 15 per cent, because the countries in which such printing was most likely to be carried out had devaluated their currencies by an average of 15 per cent and not of 30 per cent.

57. Where permanent equipment was concerned, not only devaluation, but also competitive prices must be borne in mind. The Secretariat had been in touch with various firms in soft-currency areas and had found that, notwithstanding devaluation, prices were often still higher than in the United States; in one particular instance, the price of an article of furniture, despite a devaluation of 30 per cent, was still higher by 30 dollars than the bid submitted by a United States firm.

The figure of 500,000 dollars as the total saving likely to accrue in respect of the items listed in document A/C.5/335 as a result of devaluation of currencies by certain countries was accepted, by 30 votes to none, with 5 abstentions, and the placing of that sum in a special section — no. 29 — of the 1950 budget was approved.

The proposal contained at the end of document A/C.5/335, to apply the reductions under section 29 to the various sections concerned of the budget, was approved by the same vote.

58. Mr. LEVONTIN (Israel) stated that he had abstained from voting because the sum of 500,000 dollars in question was based on guess-work.

PART X

SECTION 27 (continued)

59. The CHAIRMAN drew the Committee's attention to the Secretary-General's memorandum (A/C.5/336) on the salaries and allowances of the Judges and the Registrar of the International Court of Justice, to which was annexed a letter from the Deputy Registrar dated 3 November 1949; and also to the twenty-second report of 1949 of the Advisory Committee on Administrative and Budgetary Questions (A/1087).

60. Mr. GARNIER-COIGNET (Deputy Registrar of the International Court of Justice) explained that his letter of 3 November 1949 (A/C.5/336, annex) had explained why, despite the revaluation of the Dutch florin, the 1950 appropriations for the salaries and allowances of the President, Judges and Registrar of the Court showed no reduction. The Advisory Committee, however, had seemed to think that it was faced with a request for the increase of those salaries. Such was not the case. Any revision of the salaries of the judges would require prior consideration by the Sixth Committee, by which, after due deliberation, the salaries had originally been fixed. In the case of the Registrar, moreover, the Statute of the

International Court required a formal proposal from the Court itself.

61. In reality, the question was merely one of maintaining the appropriations as given in dollars in preceding budgets from 1946 to 1949 and also in the 1950 budget estimates. The Advisory Committee, however, wished to take advantage of the revaluation of the florin to reduce those appropriations, basing their stand on the fact that in resolutions 19 (I) of 6 February 1949 and 85 (I) of 11 December 1946 the salaries in question had been given in florins.

62. Some misunderstanding might have arisen from the fact that the Secretary-General in his memorandum had translated into dollars the sums given in florins in the above resolutions. The important point, however, was that the appropriations should be voted in such a way as to allow the salaries to be paid at their real value, with no change from previous years.

63. The Deputy Registrar pointed out that the Advisory Committee's report made no reference to the reasons behind his letter of 3 November 1949, and that, apart from all legal considerations, the adoption of that report would have a regrettable effect on the balance between the various situations and functions within the United Nations.

64. In fact, if the Advisory Committee's recommendations were adopted, a Judge would receive an annual salary of 14,210 dollars, and the Registrar a salary of 7,670 dollars plus a non-pensionable allowance amounting to 1,540 dollars; members of the Committee were acquainted with Secretariat grades and could compare with them the proposed remunerations for a judge, a member of the principal judiciary body of the United Nations, and for the Registrar, whose salary under resolution 85 (I) was assimilated to that of top-ranking directors of the Secretariat.

65. It had, moreover, been stated at the 223rd meeting of the Fifth Committee that the emoluments of the Plebiscite Administrator for Jammu and Kashmir had been fixed on the basis of those of the President of the International Court of Justice; on that occasion the figure had been given in dollars and corresponded to the emoluments received by the President of the Court at a pre-devaluation rate of exchange, in spite of the fact that the Secretary-General's report (A/C.5/338) stated that the estimates for the Commission in question "reflected savings resulting from the recent revaluation of certain currencies." The adoption of the Advisory Committee's recommendations would make the President's emoluments appreciably lower than those of the Plebiscite Administrator.

66. A similar situation would arise in connexion with the emoluments of judges *ad hoc*. Their emoluments, expressed in dollars, were appreciably higher than the allowances provided for in the Secretary-General's report (A/986, paragraph 13) for members of the Administrative Tribunal. If the remuneration of judges *ad hoc* were to be reduced in accordance with the conclusions of the Advisory Committee, it would be lower than the allowance of members of the Administrative Tribunal, thus destroying the balance to the disadvantage of the principal legal organ of the United Nations.

67. The Deputy Registrar hoped that the Fifth Committee would maintain the usual appropriations for the salaries and allowances of the Judges and the Registrar, subject to the application of a differential in the case of the Registrar.

At the invitation of the Chairman, Mr. Basdevant, President of the International Court of Justice, took his place at the Committee table.

68. Mr. BASDEVANT (President of the International Court of Justice), referring to the twenty-second report of 1949 of the Advisory Committee on Administrative and Budgetary Questions (A/1087), regarding the salaries and allowances of the Judges and Registrar of the International Court of Justice, drew the attention of the members of the Committee to General Assembly resolutions 19 (I) and 85 (I), and said that he would be placed in a very difficult position if he had to inform an *ad hoc* judge currently exercising his functions that their emoluments were to be reduced. The latter would point out to him that under Article 32, paragraph 5, of the Statute of the International Court of Justice the salaries, allowances and compensation of judges might not be decreased during their term of office. That might give rise to serious difficulties affecting the functioning of the Court. In the near future, in connexion with a disputed question referred to the Court and a request for an opinion coming from the General Assembly, the President of the Court, whoever he might be, would find it difficult to explain to an *ad hoc* judge why his remuneration would be less than that provided for a member of the Administrative Tribunal.

69. The President of the International Court of Justice laid emphasis on a legal and constitutional consideration which he thought the Advisory Committee had not taken into account, namely, that any decision taken by the Fifth Committee concerning the salaries of members of the Court must be in accordance with the Statute of the International Court of Justice and with the resolutions of the General Assembly. If, in accordance with the recommendations of the Advisory Committee, section 27 of the budget estimates, which was drawn up in dollars, was reduced as a result of the devaluation of the florin, it was clear that the salaries, allowances and compensation of the members of the Court would be correspondingly reduced. Such a decision would be in contradiction with Article 32, paragraph 5 of the Statute of the Court. That Article referred to the real value of the emoluments to be paid to members of the Court; it did not refer to the number of florins which the General Assembly's resolution might have laid down. That provision referred to the real value of the salaries and not to their value stated in Netherlands money. The Joint Committee which, in 1946, had drawn up that resolution had expressly referred to real value. The means of determining the real value of the emoluments—when it was a question of salaries, etc. coming under the expenses of the Court for which the United Nations was made responsible by Article 33 of the Statute, and when the latter's budget was drawn up in dollars—was to refer to the value of the florin in relation to the dollar at the time of the adoption of General Assembly resolutions 19 (I) and 85 (I) which fixed such emoluments.

70. Referring to the salary of the Registrar, Mr. Basdevant pointed out that it had been fixed

in florins by General Assembly resolution 85 (I). That resolution, however, did not merely state the sum to be paid to the Registrar: it first of all laid down the principle that the Registrar's salary was assimilated to that of a top-ranking director of the Secretariat, and that the difference between the salary recommended by the Court and the salary approved by the General Assembly should be paid to the Registrar as a non-pensionable allowance. That statement of that principle was important and the Fifth Committee should note that the Registrar was entitled to receive a salary equivalent to that of a top-ranking director of the United Nations. But the salary of the latter official was fixed in dollars. Moreover, the International Court of Justice intended to apply a differential to the Registrar's salary after consultation with the Secretary-General. The non-pensionable allowance referred to in General Assembly resolution 85 (I), which would be added to that salary, should be calculated according to the same principles.

71. Mr. Basdevant considered, therefore, that the estimates shown in section 27, chapter I, articles (i) and (ii) should not be reduced, and that chapter II (i) of that section—salary and allowance of the Registrar—should show a reduction in principle in order to indicate that a differential, to be fixed by the Court, would be applied (A/903, page 243).

72. The situation as regards the salary and allowances of members and of the Registrar of the Court would be clear if the Fifth Committee adopted the solution he had suggested. If, however, that Committee felt that it could not take into account the legal and constitutional point he had cited, the question should be examined by the Sixth Committee or by a joint committee set up by the Fifth and Sixth Committees.

Mr. Basdevant, President of the International Court of Justice, withdrew.

73. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that although the Advisory Committee had submitted a very brief report on the question of the salaries and allowance of the Judges and the Registrar of the International Court of Justice (A/1087), it had thoroughly examined the legal and constitutional point referred to by the President of the International Court. Under its terms of reference, however, the Advisory Committee had had to submit a report to the Fifth Committee based solely on the administrative and budgetary aspects of the question.

74. Referring to chapter V of the report of the Preparatory Commission of the United Nations (PC/20), he pointed out that the Commission had called the attention of the General Assembly to the necessity of fixing the emoluments of the Judges of the International Court of Justice early in its first session, and to the desirability of ensuring that the real value of such emoluments should not be less than that of the Judges of the Permanent Court of International Justice during the period 1936-1939. He emphasized that it was difficult to decide on what basis the real value of such emoluments should be calculated, and, in the case of the salary of the Registrar, he felt it would be hard to define the meaning of the word "assimilated" which appeared in General

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