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Chairman: Brigadier-General Carlos P. ROMULO (Philippines).

Opinion of the Commission of Jurists

1. The CHAIRMAN recalled that at the 371st meeting of the Fifth Committee the representative of Egypt had asked when the Committee would take up the opinion of the Commission of Jurists appointed to advise the Secretary-General on certain issues in connexion with the United States Senate Sub-Committee on Internal Security. At the 373rd meeting that representative had again asked for a reply to his question and had been supported by the representative of Sweden. He (the Chairman) had replied that he was consulting the President of the General Assembly and the Secretary-General on the matter and would report to the Committee at the present meeting.

2. He wished to point out, first of all, that he shared the legitimate concern shown by various delegations regarding the vital question reported on by the Commis-

sion of Jurists. The examination of the question raised a procedural difficulty as there was no item on the agenda of the present session of the General Assembly connected with problems raised by the summoning of certain officials of United States nationality to appear before United States government organs. The only pending items on the Committee's agenda did not afford the opportunity of a discussion of the jurists' opinion, and under rule 97 of the rules of procedure, General Assembly Committees could not, on their own initiative, introduce new items on their agenda.

3. Furthermore, it might be asked whether it was advisable to examine the question at the present time. The Secretary-General had recently been confronted with a highly complicated and unprecedented situation which called for action on his part. Before making certain decisions he had asked the opinion of three

independent jurists, and on 5 December 1952 had communicated to delegations, for their information, the unanimous opinion of the jurists as well as a statement which he had made to the staff of the Secretariat (A/INF/51 and Corr.1). In his statement the Secretary-General pointed out that he had decided to use the jurists' conclusions and recommendations as the basis of his personnel policy in discharging the responsibilities entrusted to him under the Charter and the staff regulations of the United Nations. He had further stated that, in pursuance of the jurists' recommendations he proposed to establish an advisory panel to assist him in dealing with specific cases in accordance with the jurists' opinion. The Secretary-General had therefore agreed in principle with the jurists' conclusions and recommendations, but without binding himself to everything contained in their opinion.

4. It should be noted that the jurists' opinion did not call for any specific action by the General Assembly. No change whatsoever in the Staff Regulations was contemplated or required since the jurists had reached the conclusion that under those Regulations the Secretary-General had the power to take any steps required by the situation. He (the Chairman) noted that the Secretary-General had acted on the basis of the jurists' opinion and that as a result of that action some of the interested parties had already appealed to the Administrative Tribunal. The case of each staff member should be studied in accordance with the provisions in force and if the Fifth Committee were now to discuss the report of the Commission of Jurists such a debate might prejudice any decision which the Tribunal might take on the question before it. It was only in the light of the decisions taken by the Administrative Tribunal that the Fifth Committee could decide whether it should take any further steps.

5. For those reasons and many others, the President of the General Assembly, the Secretary-General and he had reached the conclusion that it would be inadvisable to discuss the matter in the Fifth Committee at the present time. The Secretary-General had stated that he would gather all relevant material and that he intended to submit a comprehensive report to all Member States as early as possible. It was, of course, understood that in the meantime delegations of Member States who had already read both the opinion of the jurists and the Secretary-General's statement could, if they so wished, get in touch with the Secretary-General and inform him of their opinion on the matter or ask him for further information.

6. He explained that his statement reflected the considered judgment of the President of the General Assembly and the Secretary-General, which had been reached after a careful examination of the various aspects of the question in the light of the best interests of the United Nations.

7. Mr. FAHMY (Egypt) wished to state at the very outset that the Egyptian delegation was firmly of the opinion that the United Nations should not harbour any staff member who was engaged in any sort of subversive activities against the host country, whether it was the United States of America or any other country. His delegation also considered that a person who was disloyal to his own government or country should not continue to be employed by the Secretariat and that

the government concerned should decide on the question of loyalty.

8. He was convinced that the loyalty of an official to his government was not in contradiction with the provisions of regulation 1.1 of the United Nations Staff Regulations, which stated that members of the Secretariat were international civil servants and that their responsibilities were not national but exclusively international. Nevertheless the Egyptian delegation thought that the Secretary-General should have asked the General Assembly for guidance; for its endorsement of any action which he intended to take on such an important matter which was of great concern to all Member States.

9. Miss WITTEVEEN (Netherlands) said that she had listened to the Chairman's statement with the greatest interest, but would not enter into the details of the question. She recalled that the Fifth Committee was responsible to the General Assembly for administrative and budgetary questions. The subject dealt with in the report of the three jurists was very important, and when in fact the whole problem of the international character and status of the Secretariat, one of the principal organs of the Organization, was at issue, no one could remain indifferent. As the representative of Norway had said, the question did not merely concern the United States of America and the Secretary-General, but vitally affected every Member State.

10. It was, however, such a vast and complicated question that the members of the Committee could not thoroughly examine and discuss it in view of the short time at their disposal before the session adjourned. The examination of the question should not be deferred too long because of the vitally important principles involved and their impact on the Secretariat as a whole and on the individuals who were its members. The matter should therefore be studied at an early stage of the second part of the present session. She expressed her concern as regards certain consequences of the steps now being taken and which might be taken in the future.

11. Baron VON OTTER (Sweden) recalled that at the 373rd meeting he had emphasized the great concern with which several delegations, and among them his own delegation, viewed the question, which was of vital importance for the United Nations and its international staff. His Government would carefully study the report and the additional information promised by the Secretary-General, with this aspect in mind, and hoped that the Assembly would be given an opportunity to discuss the matter later during the seventh session.

12. Mr. WECKMANN (Mexico) said he would not discuss the substance of the question. He congratulated the Chairman on his statement. His delegation had serious doubts as to the validity of the opinion of the Commission of Jurists and thought that the matter should be considered in detail.

13. Mr. FENAUX (Belgium) associated himself with the Netherlands representative's remarks. He agreed that the opinion of the Commission of Jurists should not now give rise to a debate in the Fifth Committee but he regretted the unfortunate publicity which had surrounded the Commission's opinion. Delegations had learned of it through the Press at the same time as the public.

14. His delegation, however, did not wish its circumspection to be interpreted as showing indifference to the fate of the United Nations staff members or as a failure to recognize the current feeling of uneasiness in the Secretariat. It shared the concern of many other delegations in that respect, in so far as it remained firmly attached to the principles which should govern a good international administration.

15. Those principles which were set forth in the Charter and repeated in the Staff Regulations were essentially: service to the international community, the independence of international civil servants vis-à-vis national governments, the high standards required of the staff members, security of posts and the truly universal nature of the Organization.

16. If those principles were not recognized as a whole the present personnel would become discouraged and no qualified persons would be found who were prepared to leave their countries and their families in order to devote themselves enthusiastically to the service of the Organization.

17. He would not say more at the present stage. The Secretary-General, acting in accordance with the principles he had just mentioned, would be pleased to feel that he had the full support of delegations in exercising all the authority he undoubtedly possessed and in his desire to restore confidence and tranquility to his administration.

18. Mr. ZARUBIN (Union of Soviet Socialist Republics) thought that the opinion of the Commission of Jurists deserved thorough examination and he would therefore vote for any proposal that it should be examined in detail.

19. Mr. JUNG (India) shared the opinion of the previous speakers, for he too was deeply interested in the recent happenings in the Secretariat. He was disturbed partly by the tenor of the information published in the Press and partly by the absence of any official statement on the part of the Secretary-General. He noted with satisfaction the Chairman's statement that the Secretary-General would give delegations complete details on the matter as soon as possible. He was particularly concerned inasmuch as the opinion of the Commission of Jurists was very broad in scope and as the Secretary-General had decided to take the conclusions set down in that opinion as the basis of his personnel policy. In accordance with the Chairman's request, however, the Indian delegation would refrain from discussing the substance of the memorandum.

20. Nevertheless, the opinion of the Commission of Jurists touched on matters of vital importance concerning the international civil service, and their conclusions had more than merely legal implications. A policy based on the Commission's findings should therefore be decided by the highest organ of the United Nations, the General Assembly. It would be a mistake not to submit the matter to the General Assembly. He well understood the Secretary-General's difficult position; a decision by the General Assembly on the policy to be applied in such matters would facilitate his task much more than the findings of the jurists.

21. His comments were in no way meant as a criticism of the Commission of Jurists or of the Secretary-

General, but in view of the concern felt by delegations over the conclusions stated in the opinion it would be well to take no final action on the basis of the Commission's findings until the General Assembly had had an opportunity of deciding on the policy to be applied.

22. The United Nations and the specialized agencies obviously had duties and obligations with regard to the host countries, and every country was entitled to pass judgment on the conduct of its own nationals.

23. Mr. WILEY (United States of America) thanked the Chairman for his statement and the Egyptian representative for having brought out the two fundamental points in the jurists' findings. He thought that every member of the Committee would profit by studying the question dealt with in the opinion, and was gratified to note that the Secretary-General would submit a comprehensive report on the question to Member States. When the Committee had all the essential information it could decide whether or not the opinion of the Commission of Jurists was well-founded.

24. The United States Government would welcome an examination of the jurists' opinion by the Fifth Committee. In view of the circumstances and particularly of the world political situation, however, it was essential to take action in the meantime on United States members of the Secretariat who were not up to their responsibilities.

25. Mr. GANEM (France) agreed with the Chairman. He very much doubted whether a debate on the opinion of the Commission of Jurists would be useful. He was not looking at the matter only from the standpoint of the principles of the Charter and of the Staff Regulations, which had already been mentioned, but from the practical standpoint of the application of the memorandum's conclusions.

26. The Secretary-General was in an extremely delicate and difficult position. He would be obliged to take new decisions. The French representative asked him to act prudently and wisely and to take account of all the practical implications of his decisions, not only in New York but throughout the world; for every country wanted the Secretariat to be genuinely international.

27. Mr. MARTIN (Canada) thought that all delegations agreed on the fact that the United Nations had certain obligations to the host country and that they all felt the same interest in the important problem reviewed in the opinion of the Commission of Jurists. Knowing the Secretary-General and his high sense of responsibility, the Canadian delegation was sure that he would not consider himself bound to follow the jurists' conclusions to the letter.

28. It was essential to maintain and strengthen the international character of the Secretariat. While recognizing the legitimate concerns of the host country and the necessity of eliminating undesirable elements who were a source of friction, the Secretary-General should also protect the interests of the staff and of the Organization. He must also act in the common interest of all Member States in strengthening and perfecting the United Nations as an instrument of international co-operation.

29. Although useful and pertinent, the opinion of the jurists raised a number of questions which called for

careful study. As it was an advisory opinion, the General Assembly should consider it in detail before adopting its conclusions. The Secretary-General should continue to discharge his duties, but he should avoid hasty action which might be prejudicial to a sane and practical long-term policy. Delegations should take advantage of the suspension in the General Assembly's work during the Christmas and New Year holidays in order to study every aspect of the question carefully and prepare to consider it in detail as soon as the session was resumed.

30. In the circumstances, it would be better for the time being not to take any further action based on the findings of the jurists and not to criticize or endorse their conclusions. The advisory opinion of three eminent jurists on the general legal problems involved in the Secretary-General's personnel policy had undoubtedly helped to clarify the issues; but he would not want the Committee to infer that because it was in favour of an adjournment of the debate his delegation was necessarily inclined to consider the opinion of the jurists as anything other than an advisory opinion requested by the Secretary-General and handed down in a very brief space of time. Accordingly, until the Committee had had an opportunity of considering the jurists' opinion carefully and in detail, the Secretary-General should be guided by the principles of the Charter and by the Staff Regulations. He had the greatest confidence in the Secretary-General's judgment and integrity and in his devotion to the cause of the United Nations as an instrument of co-operation and world peace.

31. Lord CALDECOTE (United Kingdom) appreciated that the opinion of the Commission of Jurists raised fundamental problems, and agreed that it would be most inappropriate to engage in a premature discussion of the issue. Delegations which wished the opinion to be discussed should take steps to have the item placed on the General Assembly's agenda.

32. The SECRETARY-GENERAL noted that a representative had expressed the view that he ought to have asked the General Assembly for instructions. But the Secretary-General could take no decision that was not based on the the principles of the Charter and the Staff Regulations. The question dealt with in the report of the Commission of Jurists had arisen first on 14 October. On 23 October, he had announced the establishment of the Commission of Jurists. No one had protested against the decision; on the contrary, it had been commended. The Commission's report had been submitted to him on 29 November and he had transmitted it to the General Assembly on 4 December. Whether the steps taken by the Secretary-General were not in conformity with the Charter and the Staff Regulations was a matter for the Administrative Tribunal to decide.

33. One delegation had stated that it was for the States concerned to determine whether their nationals in the Secretariat were good citizens. He disputed the validity of that view; such a conception would be contrary to the Charter. The Secretary-General had to take the decision in the matter and no government could order him to engage or dismiss any person. Where a charge of disloyalty to any government was brought against a member of the Secretariat he confined himself to asking for information.

34. It was his intention to set up an advisory panel, consisting of higher officers of the Secretariat and jurists who were not members of the Secretariat, to examine each case. He had written several days before to the Canadian Minister for Foreign Affairs asking him to propose the names of two jurists. His reasons for applying to Canada were its geographical proximity and the need to cut expenditure to the utmost.

35. In taking decisions, he did not yield to any pressure. Since taking up his duties, he had closely examined every case of termination or suspension. In that connexion, his service as legal counsellor to the Norwegian trade unions, followed by four years as Norwegian Minister of Justice, would be recalled. Now, as Secretary-General of the United Nations, he was concerned with one thing only: the interest of the United Nations. He would always endeavour to act in its best interests as he had done hitherto.

36. The CHAIRMAN thanked the members of the Committee for the discretion, dignity and moderation shown in their statements.

Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account (A/C.5/L.221) (concluded)

[Item 40]*

37. The CHAIRMAN invited the Committee to adopt the Rapporteur's draft report (A/C.5/L.221).

The Rapporteur's draft report (A/C.5/L.221) was adopted.

Co-ordination between the United Nations and the specialized agencies: administrative and budgetary co-ordination (A/C.5/L.223) (concluded)

[Item 26 (a)]*

38. The CHAIRMAN asked the Committee to consider the Rapporteur's draft report (A/C.5/L.223).

39. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) asked that reference should be made to the International Labour Office as well as to UNESCO in paragraph 7, line 16, and that the phrase "from an administrative and financial point of view" should be inserted after the words "could make" in paragraph 8, line 5.

40. Miss WITTEVEEN (Netherlands) asked for the word "moreover" to be substituted for the word "nevertheless" in paragraph 4, line 6. She suggested that in paragraph 7, line 3, the words "there was scope for improvement" should be inserted in the text since it was desirable that co-ordination should extend to other localities than Bangkok.

The Rapporteur's draft report (A/C.5/L.223), as amended, was adopted.

Financial implications of measures to limit the duration of regular sessions of the General Assembly (A/C.5/L.220)

[Item 50]*

41. The CHAIRMAN invited the Committee to consider the Rapporteur's draft report (A/C.5/L.220).

* Indicates the item number on the agenda of the General Assembly.

42. Miss WITTEVEEN (Netherlands) asked for the word "maximum" to be inserted before the words "additional funds" in paragraph 6, line 4, in order to take account of the Advisory Committee's reservation mentioned in paragraph 5 (iii) of the draft report.

The Rapporteur's draft report (A/C.5/L.220), as amended, was adopted.

Financial implications of the draft resolution proposed by the Second Committee concerning agenda item 25 (a) (A/C.5/L.225)

43. The CHAIRMAN invited the Committee to consider the Rapporteur's draft report on the financial implications of the draft resolution proposed by the Second Committee relating to the financing of economic development (A/C.5/L.225).

44. Mr BARTOL (Argentina) reserved his position in respect of the amount of the additional funds to be appropriated under section 3 of the 1953 budget, and said that he would revert to the matter during the second reading of the budget.

The Rapporteur's draft report (A/C.5/L.225) was adopted.

Budget estimates for the financial year 1953:
(a) Budget estimates prepared by the Secretary-General (A/C.5/527, A/C.5/538, A/C.5/539, A/C.5/L.224, A/C.5/L.226, A/C.5/L.227); (b) Reports of the Advisory Committee on Administrative and Budgetary Questions (A/2157, A/2320) (continued)

[Item 42]*

First reading (concluded)

APPLICATION OF THE COST-OF-LIVING ADJUSTMENT AT HEADQUARTERS

45. The CHAIRMAN invited the Committee to consider the report by the Secretary-General (A/C.5/527) and the fortieth report of the Advisory Committee (A/2320).

46. Mr. ANDERSEN (Secretariat) was glad to see that the Advisory Committee approved the application of the cost-of-living adjustment to overtime and night differential payments, but regretted that it had found that there was no sufficient reason for applying the adjustment to the language allowance, the non-resident's allowance or the special post allowance; it recognized, however, in paragraph 9 of its report, that the matter was open to discussion. Furthermore, the Advisory Committee recommended, in paragraph 13 of its report, that cost-of-living adjustments to overtime and night differential and to the personal allowance should not be treated as salary for the purpose of assessing the proportion of medical insurance contributions to be paid by the Organization.

47. For a number of reasons, the Secretary-General would like the Committee to modify the Advisory Committee's recommendations. In the first place, it was clear that the conclusions reached by the Advisory Committee were open to discussion. Secondly, the recommendations, if put into effect, would substantially increase the Administration's work, particularly with respect to the payment of salaries and allowances. Thirdly, there were no grounds for the Advisory Com-

mittee's recommendation concerning medical insurance contributions.

48. The Advisory Committee considered that the payment of termination indemnity and commutation of annual leave calculated on base salary only would represent an equitable arrangement (A/2320, para. 12). As the question of the application of the cost-of-living adjustment also affected the specialized agencies, it would be desirable for the United Nations to take no unilateral action in the question, but agree to postpone a final decision until the Secretary-General had had the opportunity of studying the matter further together with the heads of the specialized agencies. In any event, however, the Secretary-General did not object to the Advisory Committee's recommendation regarding termination payments.

49. The Committee might therefore recommend the General Assembly to request the Secretary-General to study the matter further together with the specialized agencies and report back to the General Assembly at its next session. Should the Committee not see fit to take that course, the Secretary-General would strongly urge it to approve the application of the cost-of-living adjustment to the language allowance, non-resident's allowance and special post allowance, and the treatment of cost-of-living adjustments as salary for the purpose of assessing medical insurance contributions to be paid by the Organization. The latter decision would provide a net saving of \$5,170 over and above the reduction of \$9,770 provided for by the Advisory Committee: if it was agreed that the cost-of-living adjustment should no longer be applied to termination payments, the Secretary-General's estimate would be reduced to \$28,760, or \$5,170 less than the Advisory Committee's recommendation (\$33,930).

50. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) pointed out that the General Assembly had decided that the present adjustment should not be merged with base salary, as had been done in the case of the former cost-of-living allowance. It was a temporary and non-pensionable allowance. He further recalled that the Advisory Committee had already expressed its views in its first report to the General Assembly (A/2157, para. 243). Two other not unimportant points should however be noted. In the first place, the question whether the cost-of-living adjustment should be applied to the three allowances concerned was certainly open to discussion. Secondly, the Advisory Committee would have been able to submit recommendations administratively more simple to apply. For example, it could have submitted recommendations similar to the Secretary-General's proposals; from a strictly budgetary standpoint, the difference would have been slight. That had not been the Advisory Committee's task; it had been asked by the Fifth Committee to say whether the procedure followed by the Secretary-General was consistent with the Advisory Committee's interpretation of the Fifth Committee's relevant decision (A/2022/Add.1, para. 34). The Advisory Committee's report gave that interpretation. If the Committee accepted the Secretary-General's proposals, however, the Advisory Committee would probably have no objection.

51. Replying to a question by Miss WITTEVEEN (Netherlands), the CHAIRMAN stated that the

Secretary-General would submit his report to the General Assembly through the Advisory Committee.

52. Mr. DAVIN (New Zealand) regretted that delegations had not received the relevant documents until the beginning of the meeting, and asked what procedure the Secretary-General would adopt if the Committee decided to postpone its decision to the following year.

53. Mr. ANDERSEN (Secretariat) said that the Secretary-General would continue to apply the cost-of-living adjustment to all the allowances. He would in any case discontinue its application to termination payments when he had reached agreement with the specialized agencies. It should be noted that the Organization did not pay the cost-of-living adjustment on termination payments as a whole but merely on the amount paid in respect of commutation of annual leave and on salary covering the period of notice.

54. Replying to a further question by Mr. DAVIN (New Zealand), he said that the Committee's decision could not in any circumstances be applied retroactively.

55. Lord CALDECOTE (United Kingdom) asked whether the Fifth Committee would not be able to take up the matter again during the second part of the present session.

56. Mr. ANDERSEN (Secretariat) answered that the Secretary-General had intended to ask that the question should be placed on the agenda of the next session of the Administrative Committee on Co-ordination, in April 1953. However, he was prepared to settle the matter by mail before the month of April.

57. Mr. FRIIS (Denmark) would prefer the Committee to adopt the Advisory Committee's recommendations provisionally, on the understanding that adjustments might be made later.

58. Mr. M. I. BOTHA (Union of South Africa) supported the Danish representative's suggestion; it would be inadvisable to continue to apply the cost-of-living allowance to items which were not open to question.

59. Mr. POLLACK (Canada) pointed out that so far as the financial implications were concerned, the principles to be applied were quite clear. The Committee now had to take two other considerations into account: the practical application of the Advisory Committee's recommendations and the application of the principles to the specialized agencies, which were seeking to bring their methods into line with those of the United Nations. In the circumstances, his delegation proposed that the Committee should accept the Secretary-General's proposals on the understanding that the latter would attempt to settle the matter as quickly as possible and would give full weight to the Advisory Committee's recommendations in consulting the specialized agencies.

60. Mr. ANDERSEN (Secretariat) said that the Secretary-General was prepared to give the assurance requested by the representative of Canada. Adoption of the Danish representative's proposal would involve two successive changes of method, which would greatly complicate administrative work connected with the payment of salaries and allowances.

61. Mr. FRIIS (Denmark) agreed to withdraw his proposal in the light of the statements made by the

representative of Canada and the representative of the Secretary-General.

62. Replying to a question by Miss WITTEVEEN (Netherlands), Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Canadian representative's proposal appeared to be acceptable and would moreover permit the question to be taken up again at a later stage.

63. The CHAIRMAN invited the Committee to take a decision on the Canadian representative's proposal, taking into account the assurance given by the representative of the Secretary-General.

The Canadian proposal was adopted by 27 votes to 5, with 4 abstentions.

64. Lord CALDECOTE (United Kingdom) asked whether the Secretary-General would be in a position to report to the General Assembly on the question at the second part of the current session.

65. Mr. ANDERSEN (Secretariat) said that the Secretary-General would make every effort to do so.

REPORT OF THE WORKING GROUP ON DATE OF PAYMENT OF CONTRIBUTIONS

66. Mr. FRIIS (Denmark), speaking as Chairman of the Working Group, drew the Committee's attention to paragraph 14 of the Working Group's report (A/C.5/539), from which the Committee must draw its conclusions.

67. The CHAIRMAN pointed out that the Committee now had to take a decision on the Secretary-General's proposal for an appropriation of \$1,000,000 under section 31 a of the 1953 budget estimates to meet Headquarters construction costs (A/C.5/511).

68. Mr. ANDERSEN (Secretariat) said that the definite improvement in the rate of payment of contributions promised in the Working Group's report was gratifying. The Secretary-General did not, however, consider that those hopes justified any change of policy in regard to the Working Capital Fund. Member governments would agree with the Secretary-General that he could not take any risks in such a matter. It did not appear, therefore, that a reduction in the appropriation of \$1,000,000 for Headquarters construction costs approved on first reading (367th meeting) could safely be recommended.

69. Mr. BRENNAN (Australia) pointed out that the results of the Working Group's enquiries, as given in paragraph 13 of its report (A/C.5/539), were encouraging. If they had been completely satisfactory, his delegation would have recommended the deletion of the appropriation of \$1,000,000 requested under section 31 a, which would have permitted a reduction in contributions for 1953. That, however, would not have constituted a permanent saving unless it had been accompanied by a reduction in the amount of the Working Capital Fund; it would otherwise have been necessary to make a similar appropriation in 1954. Under present circumstances, his delegation thought it preferable not to propose the deletion of the appropriation in the 1953 budget but to keep a close watch on the payment of contributions. It reserved the right to propose a reduction in the Working Capital Fund for 1954, if results were satisfactory.

70. Lord CALDECOTE (United Kingdom) supported the Australian representative's statement. The words "subject to approval by Parliament" should be added to the United Kingdom reply given in the Working Group's report (right-hand column).

71. The CHAIRMAN proposed that the Committee should approve an appropriation of \$1,000,000 under section 31 a of the budget estimates for 1953.

The proposal was adopted by 32 votes to 5, with 2 abstentions.

Second reading

72. The CHAIRMAN invited the Committee to vote in second reading on the budget estimates for the financial year 1953, contained in the third column of annex A of document A/C.5/538.

73. Miss WITTEVEEN (Netherlands) requested that the Committee should vote separately on each of the chapters contained in some sections of the budget estimates.

SECTION 1. THE GENERAL ASSEMBLY, COMMISSIONS AND COMMITTEES

Section 1 was adopted unanimously at \$603,400.

SECTION 2. THE SECURITY COUNCIL, COMMISSIONS AND COMMITTEES

Section 2 was adopted unanimously.

SECTION 3. THE ECONOMIC AND SOCIAL COUNCIL, COMMISSIONS AND COMMITTEES

74. Mr. BARTOL (Argentina) recalled that at the 372nd meeting his delegation had opposed the Advisory Committee's recommendation to reduce from eight to six weeks the duration of the meeting of the group of experts to be appointed under paragraph 6 of draft resolution III of the Second Committee (A/2332). In view of the importance of their work, his delegation proposed that the original sum requested by the Secretary-General (A/C.5/532) should be restored.

75. Mr. GARCIA (Philippines) supported the Argentine representative's proposal; he considered that the decision taken by the Second Committee by a large majority should be respected, and he appreciated the importance to the under-developed countries of the implementation of the Argentinian resolution.

76. Mr. ANDERSEN (Secretariat), replying to an objection raised by Lord CALDECOTE (United Kingdom), said that there was no reason why appropriations for the implementation of a resolution on which the General Assembly had not yet voted should not be included in the budget estimates; the Secretariat would make the necessary reduction if the Assembly did not adopt the draft resolution.

77. Mr. WILEY (United States of America) would vote against the Argentine representative's proposal; he considered that a session of six weeks was adequate.

78. The CHAIRMAN put to the vote the Argentine representative's proposal to restore the original appropriation requested by the Secretary-General for the meeting of experts.

The proposal was adopted by 20 votes to 9, with 7 abstentions.

79. The CHAIRMAN put to the vote section 3 of the budget estimates, the appropriation for which had been increased to \$263,200 by the adoption of the Argentine proposal.

Section 3 was adopted by 37 votes to none, with 3 abstentions.

80. Lord CALDECOTE (United Kingdom) said that his delegation had voted for the adoption of section 3, but on the understanding that the final decision was a matter for the General Assembly.

SECTION 3a. PERMANENT CENTRAL OPIUM BOARD AND DRUG SUPERVISORY BODY

Section 3a was adopted unanimously at \$20,000.

SECTION 3b. REGIONAL ECONOMIC COMMISSIONS

Section 3b was adopted unanimously at \$96,000.

SECTION 4. THE TRUSTESHIP COUNCIL, COMMISSIONS AND COMMITTEES

Section 4 was adopted unanimously at \$59,900.

SECTION 5. INVESTIGATIONS AND INQUIRIES

81. Mr. ZARUBIN (Union of Soviet Socialist Republics) proposed that section 5 of the budget estimates should be deleted.

82. The CHAIRMAN put the USSR proposal to the vote.

The USSR proposal was rejected by 30 votes to 5, with 3 abstentions.

83. The CHAIRMAN put section 5 to the vote.

Section 5 was adopted by 35 votes to 5 at \$2,140,700.

SECTION 5a. UNITED NATIONS FIELD SERVICE

Section 5a was adopted by 35 votes to 5 at \$546,200.

SECTION 6. EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

Section 6 was adopted unanimously at \$458,600.

SECTION 6a. LIBRARY

Section 6a was adopted unanimously at \$475,000.

SECTION 7. DEPARTMENT OF POLITICAL AND SECURITY COUNCIL AFFAIRS

Section 7 was adopted unanimously at \$769,200.

SECTION 8. MILITARY STAFF COMMITTEE SECRETARIAT

Section 8 was adopted by 39 votes to none, with 2 abstentions, at \$137,000.

SECTION 9. TECHNICAL ASSISTANCE ADMINISTRATION

Section 9 was adopted unanimously at \$386,700.

SECTION 10. DEPARTMENT OF ECONOMIC AFFAIRS

84. Mr. ZARUBIN (Union of Soviet Socialist Republics) repeated the proposal he had made on first reading to reduce the appropriation for section 10 by \$400,000 (A/C.5/L.185).

85. The CHAIRMAN put the USSR proposal to the vote.

The USSR proposal was rejected by 31 votes to 5, with 4 abstentions.

86. The CHAIRMAN put section 10 to the vote.

Section 10 was adopted by 35 votes to 5 at \$2,304,000.

SECTION 11. DEPARTMENT OF SOCIAL AFFAIRS

87. Mr. ZARUBIN (Union of Soviet Socialist Republics) repeated his proposal to reduce the appropriation under section 11 by \$300,000 (A/C.5/L.185).

88. The CHAIRMAN put the USSR proposal to the vote.

The USSR proposal was rejected by 32 votes to 5, with 4 abstentions.

89. The CHAIRMAN put section 11 to the vote.

Section 11 was adopted by 36 votes to 5 at \$1,749,500.

SECTION 12. DEPARTMENT OF TRUSTEESHIP AND INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

Section 12 was adopted unanimously at \$950,000.

SECTION 13. DEPARTMENT OF PUBLIC INFORMATION

90. Mr. FAHMY (Egypt) said that, as on the first reading, his delegation would abstain from voting. He considered that the budget of the Department of Public Information was too high in comparison with that of other Departments which were of greater value to the under-developed countries, and intended to submit a proposal on the matter next year, together with other delegations.

91. Replying to a question by Miss WITTEVEEN (Netherlands), Mr. ANDERSEN (Secretariat) said he was not at that moment in a position to state what proportion of the total budget was accounted for by the direct and indirect costs of the work of the Department of Public Information; the Secretariat was however prepared to furnish that information.

92. Lord CALDECOTE (United Kingdom) pointed out that at the first reading (366th meeting) the Australian delegation had suggested that the Secretary-General should be given a maximum figure for the appropriation in respect of the Department of Public Information in the next annual budget; his delegation realized that it was too late to consider that proposal but it unreservedly approved the principle underlying it, and hoped that it would be possible to consider it at the next session.

93. If the Committee had no objection, the United Kingdom delegation would like the Rapporteur to state in his report to the General Assembly that the Department of Public Information should submit to the Fifth Committee a report on the order of priority it proposed to apply to its various activities, in accordance with the opinion expressed by the Advisory Committee in paragraph 172 of its first report (A/2157).

94. Mr. FENAUX (Belgium) endorsed the United Kingdom representative's statement; the Belgian delegation also had made a number of suggestions designed to bring the expenditure of the Department of Public Information into proportion with the appropriations provided for the other substantive departments (349th meeting). The Committee would be able to take the matter up again next year.

95. Mr. TOUS (Ecuador) regretted that the delegations of the countries in greatest need of the services of the Department of Public Information had been unable, because of their restricted numbers, to attend the present meetings of the Committee at the same time

as the meetings of other organs. His delegation nevertheless believed that the Committee would not allow itself to be led by the zealous majority of its members into the lengthy discussions that would inevitably recur if the figures established at the first reading were challenged.

96. The CHAIRMAN put section 13 to the vote.

Section 13 was adopted by 31 votes to 6, with 3 abstentions, at \$2,755,000.

SECTION 14. DEPARTMENT OF LEGAL AFFAIRS

Section 14 was adopted unanimously at \$459,400.

SECTION 15. CONFERENCE AND GENERAL SERVICES

Section 15 was adopted by 36 votes to 6 at \$9,721,600.

SECTION 16. ADMINISTRATIVE AND FINANCIAL SERVICES

Section 16 was adopted by 37 votes to 5 at \$1,604,900.

SECTION 17. COMMON STAFF COSTS

Section 17 was adopted by 36 votes to 5, with 1 abstention, at \$4,521,000.

SECTION 18. COMMON SERVICES

Section 18 was adopted by 36 votes to 5 at \$3,831,600.

SECTION 19. PERMANENT EQUIPMENT

Section 19 was adopted by 35 votes to 5, with 1 abstention, at \$247,550.

SECTION 19a. IMPROVEMENTS TO PREMISES

Section 19a was adopted unanimously.

SECTION 20. UNITED NATIONS OFFICE AT GENEVA (EXCLUDING CHAPTER III)

Section 20 (excluding chapter III) was adopted by 37 votes to 5 at \$4,423,300.

SECTION 20, CHAPTER III. JOINT SECRETARIAT OF THE PERMANENT CENTRAL OPIUM BOARD AND DRUG SUPERVISORY BODY

Section 20, chapter III, was adopted unanimously at \$47,100.

SECTION 20a. OFFICE OF THE HIGH COMMISSIONER FOR REFUGEES

Section 20a was adopted by 36 votes to 5, with 1 abstention, at \$650,000.

SECTION 21. INFORMATION CENTRES

Section 21 was adopted by 33 votes to 5, with 3 abstentions, at \$862,300.

SECTION 22. ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST

Section 22 was adopted unanimously at \$1,030,000.

SECTION 23. ECONOMIC COMMISSION FOR LATIN AMERICA

Section 23 was adopted unanimously at \$866,000.

SECTION 24. HOSPITALITY

Section 24 was adopted unanimously at \$20,000.

SECTION 25. OFFICIAL RECORDS (EXCLUDING CHAPTER VI)

Section 25 (excluding chapter VI) was adopted by 35 votes to 5 at \$752,220.

SECTION 25, CHAPTER VI. PERMANENT CENTRAL
OPIUM BOARD AND DRUG SUPERVISORY BODY

Section 25, chapter VI was adopted unanimously at \$11,780.

SECTION 26. PUBLICATIONS

Section 26 was adopted by 35 votes to 5, with 1 abstention, at \$815,200.

SECTION 27. SOCIAL ACTIVITIES

Section 27 was adopted unanimously at \$768,500.

SECTION 28. ECONOMIC DEVELOPMENT

Section 28 was adopted unanimously at \$479,400.

SECTION 29. PUBLIC ADMINISTRATION

Section 29 was adopted unanimously at \$145,000.

SECTION 30. TRANSFER OF THE ASSETS OF THE LEAGUE
OF NATIONS TO THE UNITED NATIONS

Section 30 was adopted unanimously at \$649,500.

SECTION 31. AMORTIZATION OF THE HEADQUARTERS
CONSTRUCTION LOAN

Section 31 was adopted unanimously at \$1,500,000.

SECTION 31a. HEADQUARTERS CONSTRUCTION COSTS

Section 31a was adopted by 32 votes to 5, with 2 abstentions, at \$1,000,000.

SECTION 32. THE INTERNATIONAL COURT OF JUSTICE

Section 32 was adopted unanimously at \$630,800.

SECTION 33. GLOBAL REDUCTION TO BE ACHIEVED ON
VARIOUS SECTIONS OF THE BUDGET

Section 33 was adopted by 39 votes to none, with 1 abstention, at \$423,850.

DRAFT APPROPRIATION RESOLUTION FOR THE FINANCIAL
YEAR 1953

97. The CHAIRMAN invited the Committee to adopt the draft resolution for an appropriation of \$48,327,700 for the financial year 1953 (A/C.5/L.266).

The draft appropriation resolution was adopted by 37 votes to 6.

DRAFT RESOLUTION RELATING TO UNFORESEEN AND
EXTRAORDINARY EXPENSES

98. The CHAIRMAN put to the vote the draft resolution relating to unforeseen and extraordinary expenses (A/C.5/L.224).

The draft resolution relating to unforeseen and extraordinary expenses was adopted by 33 votes to 5, with 1 abstention.

99. Mr. ZARUBIN (Union of Soviet Socialist Republics) had voted against the draft resolution, which provided for an appropriation for the purchase of medals and ribbons for the Korean campaign. The USSR delegation had explained at the first reading why it opposed that appropriation.

DRAFT RESOLUTION RELATING TO THE WORKING
CAPITAL FUND

100. The CHAIRMAN put to the vote the draft resolution relating to the Working Capital Fund (A/C.5/L.227).

101. Mr. ANDERSEN (Secretariat), said in reply to a question by Miss WITTEVEEN (Netherlands) that it was not necessary for the draft resolution to stress the provisional nature of any transfer to the Working Capital Fund of the surplus account of a particular financial year, since that operation was valid for only one year; the Working Capital Fund was determined each year.

102. The CHAIRMAN put the draft resolution (A/C.5/L.227) to the vote.

The draft resolution relating to the Working Capital Fund was adopted by 35 votes to 5, with 1 abstention.

103. Mr. ANDERSEN (Secretariat) asked the Committee to authorize the Secretary-General to reduce the amount of the contributions of States Members for the financial year 1953 from \$44,200,666 to \$44,200,000, in order to facilitate the work of assessment. It would suffice for that purpose to increase from \$550,000 to \$550,666 the amount given for anticipated savings on liquidation of outstanding 1951 obligations (A/C.5/538, para. (c) (ii)).

It was so decided.

**Staff Regulations of the United Nations: question
of a probationary period (A/2272, A/2307)**

[Item 49]*

104. The CHAIRMAN invited the Committee to consider the report of the Secretary-General (A/2272) and the thirty-eighth report of the Advisory Committee (A/2307).

105. Replying to a question by Mr. POLLOCK (Canada), the CHAIRMAN said that the Advisory Committee had no objection to the postponement of action proposed by the Secretary-General in paragraph 8 of his report, but it still recommended the adoption of regulation 9.1 A of the Staff Regulations, considering this to be sounder in principle than the new rule 104.12 (b) of the Staff Rules, which the Secretary-General proposed to bring into effect as from 1 January 1953.

106. Mr. VAN ASCH VAN WIJCK (Netherlands) said that his delegation was prepared to approve, as it had done last year, the Secretary-General's proposal that the General Assembly should take no decision at its present session on the question of a probationary period. However, the need for a final solution must not be forgotten. The Netherlands delegation reserved its position on the substance of the question. It would be grateful if the Chairman of the Advisory Committee would explain the effects of the provisions contained in the texts now before the Committee.

107. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the two texts were equivalent from the legal standpoint; they differed in another way. Firstly, the text recommended by the Advisory Committee did not fix a uniform probationary period of two years; on the contrary, it provided that the probationary period could be less than two years but could in no case exceed two years. The second point of difference was one of psychological effect on the employee. The Advisory Committee's text was based on the premise of an existing permanent appointment, whereas the Secretary-

General's text posed the principle of a two-year probationary period in the abstract. Thus regulation 9.1 A proceeded from the idea of a permanent contract but rule 104.12 (b) from that of a temporary contract.

108. Mr. FENAUX (Belgium) endorsed the Netherlands representative's statement. The Belgian delegation's position in principle was the same as its position last year, but deferred to the considerations adduced by the Secretary-General and agreed to the postponement of a decision on the question of the probationary period until the following year.

109. The CHAIRMAN proposed that the Committee should recommend to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Noting the reports of the Secretary-General (A/2272) and of the Advisory Committee on Administrative and Budgetary Questions (A/2307) on the question of a probationary period,

"1. Requests the Secretary-General to submit through the Advisory Committee a final proposal on this question for the consideration of the General Assembly at its eighth session;

"2. Decides to include in the provisional agenda of the eighth session of the General Assembly the item 'Staff Regulations of the United Nations: question of a probationary period'."

The draft resolution was adopted unanimously.

Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly (concluded): (b) Committee on Contributions (A/C.5/535)

[Item 44]*

110. The CHAIRMAN noted that, owing to the resignation of Sir Sydney Caine, there was a vacancy in the membership of the Committee on Contributions. The only candidate proposed was Mr. Arthur H. Clough (A/C.5/535).

The Committee decided by acclamation to recommend the appointment of Mr. Arthur H. Clough, to replace Sir Sydney Caine for the remainder of his term of office.

The meeting rose at 6.10 p.m.