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President: Mr. Alfonso PATIÑO (Colombia).

Present:

Representatives of the following States: Argentina, Australia, Austria, Colombia, Czechoslovakia, El Salvador, Ethiopia, France, India, Italy, Japan, Jordan, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Observers for the following Member States: Albania, Brazil, Bulgaria, Canada, Chile, Denmark, Netherlands, Norway, Peru, Romania, Tunisia.

Representatives of the following specialized agencies: International Labour Organisation; Food and Agriculture Organization of the United Nations; World Health Organization.

The representative of the International Atomic Energy Agency.

AGENDA ITEM 11

Capital punishment (E/3724, E/L.986) (concluded)

1. The PRESIDENT recalled that at its preceding meeting the Council had postponed a vote on the draft resolution (E/L.986) and the oral amendments submitted by India and Uruguay, pending study of the financial implications.

2. Mr. MALINOWSKI (Secretary of the Council) pointed out that operative paragraph 2 of the draft resolution, including the Indian and Uruguayan amendments, related to studies which would be carried out by Governments. Consequently, there were no financial implications for the United Nations.

3. Mr. PICO (Argentina) supported the amendment which had been put forward orally by the Uruguayan representative but felt that Governments should submit information concerning the differences between civil and military tribunals to the Secretary-General so that he could include it in his report. He therefore proposed that a new sub-paragraph (g) should be added to paragraph 2 as follows:

"(g) To provide information on their legislation and military penal jurisdiction, especially in connexion with any difference which may exist as compared with their ordinary penal legislation regarding the application of capital punishment".

4. He also proposed that paragraph 3 should be re-drafted as follows:

"Requests the Secretary-General to broaden the studies so far carried out, with a view to including in them some consideration of the differences between civil and military tribunals, and the policy of the latter in regard to the death penalty, to prepare a report based on information received from Governments under operative paragraph 2 (f) and (g) above, and to submit it to the United Nations Consultative Group . . .".

5. Mr. PASTORI (Uruguay) said he would accept the text of the Argentine representative.

6. Mr. MATSCH (Austria) accepted the Argentine amendment on behalf of the sponsors of the draft resolution.

7. Mr. BINGHAM (United States of America) felt that the Indian amendment to insert in operative paragraph 2 (a) the words "to conduct research wherever necessary, with United Nations assistance" might be construed as a commitment by the United Nations to provide such assistance. It seemed unnecessary to include such a phrase because in any case the States concerned could request assistance in the normal way.

8. Mr. S. K. SINGH (India) said that, in submitting the amendment, his delegation had been thinking of those developing countries which would be unable to conduct the sophisticated research contemplated. It had therefore deliberately inserted the phrase in question to make it clear that those countries which desired assistance would be able to obtain it from the United Nations.

9. Miss HENDERSON (Secretariat) pointed out that it would be possible to provide advice on the design of research projects either through Secretariat officials or through existing institutes. Of course, the matter of financial assistance was outside the competence of the Secretariat. The additional study concerning military tribunals would have no financial implications provided no special time-limits were laid down and provided that the reports in question were prepared for the United Nations Consultative Group on the Prevention of Crime and the Treatment of Offenders for 1967.

10. Mr. BINGHAM (United States of America) wished to make it clear that the Indian amendment, as his delegation understood it, contained no implication or assurance that United Nations assistance would in fact be made available for research on capital punishment.

11. Mr. ATTLEE (United Kingdom) was gratified that the adoption of the draft resolution would involve no financial implications. His delegation was not opposed either to the draft resolution itself or to the amendments which had been submitted but felt they were unnecessary. Each Government must decide for itself

what action to take with regard to capital punishment. He would abstain in the vote.

12. Mr. OSTROVSKI (Union of Soviet Socialist Republics) said his delegation would vote in favour of the amended draft resolution because its adoption would represent a step forward towards the goal of limiting and eventually abolishing capital punishment.

13. The PRESIDENT put to the vote the draft resolution of Austria and Italy (E/L.986), as amended.

The draft resolution, as amended, was adopted by 16 votes to none, with 2 abstentions.

14. Mr. PARSONS (Australia) pointed out that Australia was a federal State which had eight distinct legal systems, a fact not always clearly brought out in Mr. Ancel's study. Consequently, the draft resolution might be interpreted slightly differently by the various legal authorities in Australia. However, his delegation had supported the draft resolution on the assumption that its principal purpose was to assemble more facts about capital punishment in various parts of the world.

AGENDA ITEM 9

Transport development (E/3721, E/L.987, E/L.987/Rev.1 and Corr.1) (continued)

15. Mr. FRANZI (Italy) introduced the revised text of the draft resolution (E/L.987/Rev.1 and Corr.1), sponsored by his delegation and that of Senegal. The problems of transport were vast: Governments had to consider not only the various means of transport themselves but also the methods of financing them and ensuring their proper co-ordination within the economy. The report of the Secretary-General (E/3721) concentrated mainly on the implementation of various transport projects but did not deal sufficiently with finance; in particular, it should have laid more emphasis on the role of the Special Fund.

16. The revised draft resolution stressed in its preamble the importance of the work done in the transport field by the regional economic commissions. For example, in Europe the work of ECE had been particularly valuable. The preamble also mentioned the responsibility of the Secretary-General and the Economic and Social Council in promoting and co-ordinating activities in the field of transport development. In order to make the draft resolution as general as possible, paragraph 5 of the original text (E/L.987) had been deleted. However, the United Nations should bear in mind the subject of that paragraph. He was sure that ECA, for example, would take up the question at an appropriate moment. The idea of holding regional and interregional seminars on transport development had been retained in the revised draft and, in addition, the Secretary-General was requested to report every two years to the Council on the progress of work in the transport field with reference to the objectives of the United Nations Development Decade. The actual date for the submission of that report had been left open.

17. Mr. TELL (Jordan) said that, while the report of the Secretary-General (E/3721) was valuable, the recommendations in chapter IV were insufficiently specific. Most of the problems with which it dealt could be solved by suitable feasibility studies and comprehensive planning. However, his delegation appreciated the United States representative's remarks

concerning the problems which could arise in the training of students in countries where the emphasis was on capital-intensive rather than labour-intensive projects, and agreed that the approach to training difficulties must be geared to the particular needs of each case. It was for the country concerned to decide what kind of training was most appropriate. In that connexion, too much emphasis should not be placed on the role of the regional economic commissions, for to draw too sharp a distinction between the commissions and the United Nations as a whole could lead to undue decentralization of the Organization's economic activities. It must never be forgotten that the role of the commissions was purely advisory.

18. His delegation was glad to see that the specific references to activities in the field of maritime transport, appearing in paragraph 5 of the original text (E/L.987), had been dropped in the revised text (E/L.987/Rev.1 and Corr.1). However, he did not think that the regional economic commissions should be singled out for special mention; there were other organizations, such as some of the specialized agencies, with equal responsibilities in the matter. Besides, there were countries which, like his own, fell outside the scope of any of the commissions; he therefore proposed that the phrase "in consultation with the regional economic commissions" in paragraph 3 should be revised to read as follows: "in consultation with Member States and the regional economic commissions".

19. Mr. DELGADO (Senegal) warmly commended the report of the Secretary-General (E/3721), which was a positive contribution to a subject of the utmost importance for the developing countries. An effective transport system was a prime prerequisite for economic development and, as was pointed out in paragraph 6 of the report, Governments of developing countries often required international co-operation for the solution of transport problems. Much had already been done in Africa with the help of such organizations as the International Bank for Reconstruction and Development and the Special Fund, and his delegation strongly appreciated the work of the United Nations, especially ECA, in promoting regional integration. At the same time, there were several inter-African organizations working towards the same ends. On the other hand, an enormous amount remained to be done, not least in the development of transport. His own country was investing heavily in transport development, and a conference on port administration would be held at Dakar in 1964.

20. The revised draft resolution reflected the various suggestions which had been made and he hoped that it would command unanimous support. However, while his delegation had agreed to drop the reference to activities in the field of maritime transport and had not insisted on the "special studies" called for in paragraph 5 of the original draft (E/L.987), he still felt that the seminars and studies concerned could have been very useful. His Government attached the greatest importance to vocational training in the maritime field; and the Secretary-General's report itself recognized that much needed to be done in that connexion.

21. Mr. CARRILLO (El Salvador) thanked the Secretary-General for his report which placed the whole problem in its proper context—that of the United Nations Development Decade. His delegation shared the view that a sound transport system was a vital

prerequisite for economic growth, and was glad that the matter was being given the attention it deserved. As a member of the ECLA Central American Economic Co-operation Committee, El Salvador had long taken an active part in programmes to develop the Central American transport system. Since 1951, when the five Central American republics had first decided to embark on the joint development of their industry, agriculture and transport, much progress had been made in the construction of highways, ports and other transport projects. In 1951, too, a United Nations technical assistance mission had come to El Salvador, and the resulting studies and recommendations had greatly contributed to the success of the country's development efforts since then. Following the planning of a regional road network by ECLA, road traffic was rapidly increasing as trade in Central America expanded.

22. The revised draft resolution reflected many of the recommendations in the Secretary-General's report. He disagreed strongly with the views of the representative of Jordan on the regional economic commissions, and he was particularly happy to endorse paragraph 3 of the draft resolution. Although the whole text was in harmony with the objectives of the United Nations Development Decade, it was perhaps inappropriate to refer to those objectives in paragraph 4, since the problems of transport would continue long after the Development Decade had ended; nevertheless, he would have no difficulty in supporting the draft resolution.

23. Mr. FRANZI (Italy) announced that the sponsors would substitute the word "periodically" for the words "every other year" in paragraph 4 of the revised draft resolution (E/L.987/Rev.1 and Corr.1). They would comment on other suggested amendments at the end of the debate.

24. Mr. ORNATSKY (Union of Soviet Socialist Republics) commended the delegations of Italy and Senegal on their draft resolution, but suggested a number of amendments. The fourth preambular paragraph made it clear that the regional economic commissions had special responsibility in the matter of transport development, but it was not certain that they were doing all they could in that connexion. Consequently, it would be desirable to mention, in the first preambular paragraph, General Assembly resolution 1823 (XVII) on decentralization of the economic and social activities of the United Nations and strengthening of the regional economic commissions. The recommendation to the Secretary-General, contained in paragraph 5 of that resolution, might also be relevant in suggesting another way in which interregional meetings of the kind proposed in paragraph 3 of the revised draft resolution (E/L.987/Rev.1 and Corr.1) could be organized. With regard to paragraph 2 of the latter, too much emphasis should not be placed on the priority to be given to transport development, since it was for the developing countries themselves to determine their priorities. He suggested, therefore, that the word "priority" in paragraph 2 might be replaced by the words "due attention". Paragraph 3 would be improved if the words "in consultation with" were replaced by the word "through". Where paragraph 4 was concerned, he agreed that it was better not to specify the intervals at which the Secretary-General should report to the Council.

25. Mr. UNWIN (United Kingdom) said that his delegation attached great importance to transport as a

basic factor in development. The Secretary-General's report (E/3721) was a useful catalogue of the work already accomplished, both inside and outside the United Nations family, but much remained to be done. He would confine his comments to chapter IV, since the earlier part of the report was largely factual.

26. With reference to paragraph 112 of the report, his delegation regarded the successful adaptation of advanced technology to the specific problems of developing countries as one of the most important steps towards providing the most efficient facilities at the lowest possible cost, and it agreed that that problem was being given continuing attention by the regional commissions and other organizations. He approved of the emphasis placed in paragraph 113 on management training in the developing countries themselves, because of the limitations on facilities and funds for fellowship programmes and because on-the-job training would produce effective results most rapidly and at somewhat lower over-all cost. While agreeing with the objective stated in paragraph 115, his delegation believed that it could best be attained if a regulatory and legislative framework was built up or adapted progressively as practical needs arose, in preference to the wholesale introduction of techniques or legislation modelled on those of other countries which did not have the same background. Where maritime transport was concerned, his delegation welcomed the emphasis, in paragraphs 116-119, on the improvement of port administration and facilities and on the scope which existed for reducing administrative formalities, which would expedite ship turn-around and reduce harbour costs. The United Kingdom had provided bilateral assistance in such fields to several developing countries in recent years, and it appeared to be a particularly suitable area for technical assistance by the United Nations and its agencies. Certain important matters, such as maritime safety and navigation, the prevention of oil pollution and related subjects, came within the purview of the Inter-Governmental Maritime Consultative Organization, which had an important function in relation to transport as a whole.

27. Paragraph 120 dealt with a subject which recurred throughout the report and which was one of the main recommendations for further action: the importance of transport surveys and, more generally, of studies of the economic aspects of transport development. The subject was a fundamental but complex one. The United Kingdom entirely agreed on the importance of comprehensive surveys and the full economic evaluation of transport development projects before they were started; a "London Traffic Survey" and an intensive programme of traffic studies by British Railways had recently been undertaken with the aim of determining future needs and the probable future size and nature of the railway system. Such surveys were certainly no less important in the developing countries than they were in the United Kingdom, since the subsequent programmes were a vital factor in developing natural resources, opening up markets and promoting new industries; but the programmes could be very expensive, as well as complex. Wrong decisions could be extremely costly, but sound pre-investment analysis could result in large savings. Nevertheless, his delegation wished to emphasize that the transport problems of different countries were as diverse as they were complex. The problems of industrial countries like the United Kingdom, whose transport system had been founded on cheap coal and the developing industry of

the previous century, had probably little in common with the problems of expanding communications in developing countries; and ECE studies might have little relevance to the problems of Asia and the Far East, for instance, where distances were much greater. Moreover, differences in geography or in the pattern of distribution of natural resources might mean that the problems of even neighbouring countries were entirely unrelated. Studies of the economic aspects of transport should therefore be most closely related to specific conditions in the country or area concerned; surveys which were too broad would lead only to general conclusions of little practical use. Similarly, further work in providing more adequate statistics would be valuable, but primarily to the extent that they supplied the specific information required in a particular situation.

28. Mr. HIREMATH (India) expressed his delegation's appreciation of the Secretary-General's report, which was useful to the Council in its important function of watching over and co-ordinating the general progress of economic development in order to fulfil the objectives of the United Nations Development Decade. However, not enough emphasis had been placed in the report on the extensive work already done and still being done at the regional and local levels. Although co-ordination at the centre was useful, a broad study of so diversified a problem as transport development ran the risk, as the United Kingdom representative had mentioned, of being too general.

29. It was necessary to continue and intensify the work being done by the regional economic commissions; despite the important measures taken by ECAFE, there was still a wide gap between performance and actual and potential requirements in the matter of transport development. Acute transport shortages in India had brought out the key role of transport in a developing economy, and freight traffic by rail and road, consisting largely of such basic items as steel, cement, iron ore and coal, was expected to become even heavier. Not only must raw materials be carried to the places of manufacture, but the produce of the country must find an economical outlet to foreign markets. As industrialization progressed in developing countries, transport facilities must be extended, as a matter of urgency, to overcome an important obstacle to development, and his delegation would therefore welcome any measures for the training of technical personnel and for such forms of assistance as regional surveys, studies on the economics of transport development, and the supply of modern equipment for road-building.

30. He thanked the representatives of Italy and Senegal for their spirit of understanding and conciliation in submitting the revised version of their draft resolution, which his delegation was prepared to support.

The meeting rose at 1.5 p.m.