

GENERAL ASSEMBLY

THIRTEENTH SESSION

Official Records

Friday, 7 November 1958,
at 11.5 a.m.

NEW YORK

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Chairman: Mr. Toru HAGIWARA (Japan).

AGENDA ITEM 29

Programmes of technical assistance (continued):

(c) Establishment of an international administrative
service (A/3848, chap. III, section VI, A/C.2/200,
A/C.2/L.379/Rev.1)

GENERAL DISCUSSION (concluded) AND EXAMINA-
TION OF THE DRAFT RESOLUTION CONCERN-
ING UNITED NATIONS TECHNICAL ASSISTANCE IN
PUBLIC ADMINISTRATION (A/C.2/L.379/Rev.1)
(continued)

1. Mr. SAMARAS (Greece) said that, although Greece did not intend to make use of the services to be provided under the new arrangements for United Nations assistance in public administration, it had supported the Secretary-General's proposals (E/3121) ^{1/} at the twenty-sixth session of the Economic and Social Council and felt that action should be taken to give effect to them. The explanatory statements by the Director-General of the Technical Assistance Administration (TAA) had cleared up the points remaining in doubt, and it seemed clear that the type of assistance envisaged would effectively promote the economic development of countries hampered by a shortage of experienced administrators. It was gratifying that the scheme would entail no additional administrative costs.

2. He considered that it would be wrong to abandon the general principles embodied in the ten-Power draft resolution (A/C.2/L.379/Rev.1) and accordingly could not support the three-Power amendment (A/C.2/L.380 and Corr.1).

3. Mr. SOPIEE (Federation of Malaya) considered that the words "with a view to improving their administrative systems" in the third preambular paragraph of the ten-Power draft, should be deleted. The words in question gave the impression that the intention was to help all Governments requesting temporary assistance, to reform their administrative structures and that was not, he believed, the case. The letter to Member States requesting their comments on the Secretary-General's proposal, had not suggested that

that was the purpose of the assistance, and there was no reference to such a purpose in paragraph 229 of the Economic and Social Council's report (A/3848). In its own reply, his government had indicated that its programme to increase the number of Malaysians in the civil service was working smoothly and that it hoped shortly to be able to fill all ordinary positions with nationals of the country. It might, however, on occasion need to avail itself of the facilities of a limited scheme to fill a few individual assignments in such fields as unemployment insurance, banking and industrial development. His Government had, in fact, agreed with the general idea, but not with the details of the proposal. It had particularly had in mind measures to assist Member Governments with executive and operational personnel through the established technical assistance facilities.

4. The revised ten-Power draft went a long way towards meeting his Government's views, as it made it clear that the experiment would not involve the establishment of the nucleus of an international administrative service, but was intended only to supplement existing programmes. He could therefore support the principles of the draft resolution, although he had doubts regarding a few points.

5. His first difficulty concerned the question of terms and conditions of service. It appeared from operative paragraph 3 of the draft that experts provided under the scheme, would receive the emoluments of a national performing similar duties, plus further remuneration paid, if necessary, by the United Nations. If two officials performing the same functions were differently remunerated, because one of them happened to be a foreigner, serious problems might, he thought, be created within the civil service of the country concerned.

6. His second point related to the legal status of the experts appointed, a problem on which the Austrian representative had commented at the 545th meeting. His Government had not seen the draft agreements covering the relations between the Governments and the United Nations and between the United Nations and the experts, to which the Secretary-General had referred at the 539th meeting, and he would be grateful if the Director-General of TAA would clarify the position in that respect. Although there might be a case for internationally recruited officials having international status, recipient Governments might well wish them to be governed by their own laws if they were integrated in the public service, even on a temporary basis.

7. Mr. HAYTA (Turkey), clarifying the statement he had made at the 545th meeting, said that he had wished to draw the Committee's attention to certain legal aspects of the personal status of foreign experts temporarily integrated in the administration of another country. He hoped the Secretary-General would deal

^{1/} Official Records of the Economic and Social Council, Twenty-sixth Session, Annexes, agenda item 9.

with that question when and if he was authorized by the General Assembly to negotiate agreements in connexion with the new proposal. He was gratified that the sponsors of the draft resolution had adopted some of his suggestions.

8. Mr. HALIQ (Saudi Arabia) considered that the misgivings which had been expressed concerning the possible financial implications of the proposed new scheme and the questions of principle involved in the employment of foreigners in a national civil service, were largely unfounded. In his own country, an expert furnished by the International Monetary Fund as an adviser on fiscal and currency problems, had eventually been given a post in the civil service to assist in carrying out the project he had advised the Government to undertake, and the cost to the United Nations had not been excessive. So far as the constitutional difficulties and questions of legal status mentioned by the Austrian and other representatives were concerned, he pointed out that an expert would not accept an appointment if it would endanger his national status; similarly, a Government would not avail itself of the services of a foreign expert if provisions of its constitution debarred it from doing so.

9. The three-Power amendment was somewhat confusing. In the proposed new operative paragraph 3, the Executive-Chairman of the Technical Assistance Board (TAB) was asked to report to the Technical Assistance Committee on the results of the further study of the matter by TAB, but the new operative paragraph 2 would deprive TAB of an opportunity to make such a study, as an attempt was to be made to satisfy the requirements of requesting countries within the framework of the Expanded Programme of Technical Assistance. TAB could not usefully report on the question if the experimental arrangements authorized in the ten-Power draft, were not given a practical trial. He hoped that the sponsors would agree to withdraw the amendment.

10. Mr. KEENLEYSIDE (Director-General, Technical Assistance Administration) said that it would be difficult for him as a non-lawyer to give a detailed answer to the Malayan representative's question concerning the legal status of experts employed under the proposed new arrangements. Stated simply, the position was that, during their periods of service with a Government, the experts would be under the authority of that Government and responsible to it. The terms under which they performed their duties, would be those set out in the agreements between the expert and the Government on the one hand and the expert and the United Nations on the other. If the representative of the Federation of Malaya wished to pursue the matter further, he would gladly furnish copies of the agreements which had been drafted.

11. Mr. URQUIDI (Mexico), referring to the Saudi Arabian representative's observations, pointed out that the three-Power amendment made no reference to an experiment: the report it asked for was simply on the results of the further study referred to. The sponsors of the amendment did not intend that requests for assistance of the kind envisaged should not be met in the meantime. They thought it premature, however, to consider establishing a complicated new machinery for the purpose, with all the uncertainty and risk which that implied. They believed that such requests as were received, could be satisfied within the limits

of present technical assistance activities, which had the advantage of being familiar and acceptable to all.

12. Mr. Mir KHAN (Pakistan) said that the sponsors of the draft resolution understood the words "with a view to improving their administrative systems," in the third preambular paragraph, to mean no more than what they said, but if it met the objection of the representative of the Federation of Malaya, they were prepared to amend the words to read "with a view to strengthening their administrative machinery,". In operative paragraph 3, the sponsors felt that the word "normally" should be omitted, since it was an important feature of the new form of assistance that the experts concerned should be, and should feel themselves to be, the employees of the Governments concerned. Governments should realize that the provision would strengthen their own position vis-à-vis the experts.

13. Mr. VIAUD (France) was grateful to the sponsors for accepting one of the amendments he had suggested at the previous meeting. He would be glad, however, if they would reconsider the other two, which he would put in a slightly different form. The opening phrase of operative paragraph 2 was, he thought, imperfectly drafted and not entirely consonant with the statements made by the Director-General of TAA. It did not indicate to whom the recommendation was addressed or how it should be carried out. He would therefore suggest that it be amended to read: "Requests the Secretary-General to take measures within the framework of these programmes with a view to". That request would undoubtedly have financial implications, and approval of it in the Second Committee would imply agreement in principle to the extra expenditure involved; it would not, however, commit members to any undertaking regarding the actual amount of such expenditure, which would be dealt with in the proper place by the Fifth Committee. With regard to operative paragraph 6, he would suggest that it be simplified to read: "Decides that this assistance shall be provided on a modest scale ...".

14. He hoped that the sponsors and the Committee as a whole would find those changes acceptable.

15. Mr. TEIXEIRA PINTO (Portugal) was grateful to the sponsors of the ten-Power draft for accepting some of the amendments he had suggested at the 546th meeting. He very much regretted, however, that they had not seen fit to take up the amendment to operative paragraph 6, which took account of the explanations given by the representative of Pakistan at the 545th meeting, in reply to a question he himself had asked, and particularly the addition of the words "without establishing an international administrative service". That amendment would have removed the confusion which clearly persisted between the establishment of a service and the provision of services. He would, however, withdraw the amendments which had not been accepted and support those put forward by the French representative, particularly the amendments to operative paragraph 6, which made the meaning somewhat clearer.

16. Mr. BERNARDO (Argentina) said that the discussion at the present meeting had served to make clear the kind of action the Organization intended to take to provide technical assistance in the field of public administration. Furthermore, the Committee

now understood the concern of the sponsors of the three-Power amendment that the provision of technical assistance in that field should be governed by certain principles which were not in conflict with the constitutional requirements of any country. They would therefore be prepared not to press their amendment (A/C.2/L.380 and Corr.1) to the vote. In its place, the Argentine delegation would like to offer for the consideration of the sponsors of the draft resolution a possible new wording for operative paragraph 2 (a), reading:

"Assisting Governments participating in these programmes, at their request, to secure, on a temporary basis, the services of well qualified persons to help attain the objectives pursued by the requesting Governments with regard to the improvement of their public administration, it being understood that such assistance ...".

17. His delegation also supported the amendments submitted orally by the French representative, and hoped that the Committee would find the resulting formula acceptable.

18. Mr. ZAND FARD (Iran) said that his Government had been an enthusiastic supporter of the Secretary-General's original proposal, for reasons which the Committee already knew. For the same reasons—its own particular needs, plans and hopes—Iran fully supported the modified proposal in the revised ten-Power draft resolution and saw in it no threat whatever of any colonialist revival. With regard to the amendments submitted orally at the present meeting, his delegation would like to hear the views of the sponsors of the draft.

19. Mr. KITTANI (Iraq) expressed his delegation's satisfaction with the spirit of co-operation shown by the three sponsors in withdrawing their amendment. He would reserve comment on the amendments proposed by the Argentine and French representatives until the sponsors of the draft resolution had given their views, but would be unable to accept any changes affecting the substance of the latter half of operative paragraph 2 (a), concerning the training of nationals.

20. Mr. ALFONZO RAVARD (Venezuela) said that his delegation also appreciated the sponsors' withdrawal of their joint amendment. The Argentine representative's new amendment was too vague. If it were adopted, the draft resolution would no longer contain a clear statement of what Governments could expect from the programme or how it was to be carried out by TAA. Governments might feel authorized to request any type of aid for any function, including the lowest grades, which would be excessive. He hoped that delegations would not try to amend the text too radically.

21. Mr. R. TREJOS FLORES (Costa Rica) supported those remarks.

22. Miss HARELI (Israel) said that she had some difficulty both with the original third preambular paragraph and the new version read out by the Pakistan representative. The aim was not to improve countries' administrative systems or machinery as a whole, but only administrative aspects of programmes of economic and social development. It might therefore be better to make that paragraph read "... with a view to improving their administrative methods,".

23. Mr. Gopala MENON (India) pointed out that, when the Secretary-General reported on the progress of the experiment to the Economic and Social Council, at its twenty-eighth session, it would have been in operation only about six months. The succeeding two or three months would provide further information, and he therefore proposed that the words "and to the General Assembly, at its fourteenth session" should be added at the end of operative paragraph 7.

24. Mr. HAYTA (Turkey) thanked the sponsors of the joint amendment for withdrawing it. His delegation supported the French amendment to operative paragraph 2, which clarified the position, but would suggest that the word "appropriate" should be added before the word "measures". It also supported the French amendment to operative paragraph 6.

25. Mr. RAJAPATIRANA (Ceylon) proposed that the clause "with a view to strengthening their administrative machinery," should be deleted from the third preambular paragraph.

26. Mr. Mir KHAN (Pakistan) said that the sponsors of the joint draft resolution wished to maintain the clause referred to by the Ceylonese representative. Although they preferred their original version contained in document A/C.2/L.379/Rev.1, they had introduced a new one to meet the wishes of the representative of the Federation of Malaya. They could accept the Indian amendment to operative paragraph 7 and the French amendment to operative paragraph 6. They could agree to the new amendment proposed by Argentina if the words "in executive and operational posts" were added. As regards the French amendment to operative paragraph 2, it was generally understood that such recommendations were made to Governments and the Secretariat. If that was not clear, the sponsors would prefer to substitute the word "Decides" for the word "Recommends", rather than to accept the wording proposed by the French representative.

27. Mr. BERNARDO (Argentina) said, in reply to the Venezuelan and Costa Rican representatives, that his delegation's amendment would not make the draft resolution vague, because the text already stated that the services of well qualified persons would be secured. Clearly, such persons would occupy important posts; in view of the limited resources, Governments would not ask for lower grades. With regard to the Pakistan representative's statement, his delegation did not wish to exclude the idea of executive or operational personnel, but thought that an explicit reference would infringe the right of Governments to decide their own needs.

28. Mr. ENNAJI (Tunisia) considered that it must be made clear in the draft resolution that part of the experts' duties would be to train national personnel. He hoped therefore that the sponsors would maintain the reference to that question in operative paragraph 2 (a), and the clause "with a view to strengthening their administrative machinery," in the third preambular paragraph.

29. Mr. SOPIEE (Federation of Malaya) said that, although his delegation had previously agreed to the new wording introduced by the sponsors for the third preambular paragraph, it would now formally propose the deletion of that clause, in view of the further amendment proposed by the Israel representative.

30. Mr. VIAUD (France) pointed out that the responsibility for establishing programmes lay with Governments. Whether operative paragraph 2, as proposed by the sponsors, began with the word "Recommends" or the word "Decides", it was still not clear where the initiative for making requests would come from. His delegation therefore maintained its amendment.

31. Mr. KEENLEYSIDE (Director-General, Technical Assistance Administration) said that, from the Secretariat's point of view, the reference to "measures within the framework" of the existing programmes in the French amendment to operative paragraph 2, would cause some difficulty. The essence of the new scheme was that it was a supplement to the existing programmes, as was stated in Economic and Social

Council resolution 681 (XXVI). It was a new form of assistance and did not come within the framework of existing programmes.

32. Mr. R. TREJOS FLORES (Costa Rica) agreed with that view. If the French or the Argentine amendments were accepted, in whole or in part, his delegation would have to withdraw its sponsorship of the joint draft resolution.

33. The CHAIRMAN suggested that the sponsors of the joint draft resolution should draw up a second revised version in the light of the proposals which had been made.

The meeting rose at 1.20 p.m.